

GAMING AND LOTTERIES
ARRANGEMENT OF SECTIONS

SECTION

1. SHORT TITLE
2. INTERPRETATION
3. GENERAL PROVISIONS AS TO GAMING
4. GAMING IN PUBLIC PLACES
5. SAVING FOR ENTERTAINMENTS NOT HELD FOR PRIVATE GAIN
6. COMMERCIAL GAMING
7. MATTERS FOR CONSIDERATION BY THE BOARD
8. SPECIAL PROVISIONS WITH REGARD TO COMMERCIAL GAMING AND COMMERCIAL LOTTERIES
9. UNLAWFUL COMMERCIAL GAMING
10. UNLAWFUL POSSESSION OF INSTRUMENTS OF GAMING
11. FORFEITURE
12. PENALTIES FOR CERTAIN OFFENCES
13. ILLEGALITY OF LOTTERIES
14. EXEMPTION OF SMALL LOTTERIES INCIDENTAL TO CERTAIN ENTERTAINMENTS
15. EXEMPTION OF SMALL LOTTERIES ORGANISED BY CERTAIN SOCIETIES
16. COMMERCIAL LOTTERIES
17. APPEAL FROM DECISION OF BOARD
18. PROVISION OF AMUSEMENTS WITH PRIZES AT CERTAIN ENTERTAINMENTS.
19. APPOINTMENT OF GAMING AND LOTTERIES BOARD
20. FUNCTIONS OF THE BOARD
21. MINISTERIAL DIRECTIONS
22. BOARD MAY GIVE DIRECTIONS
23. APPOINTMENT AND POWERS OF INSPECTORS
24. ENFORCEMENT AND PENALTIES

SCHEDULE I

SCHEDULE II

CHAPTER 139

GAMING AND LOTTERIES

AN ACT TO AMEND THE LAW WITH RESPECT TO GAMING AND LOTTERIES AND TO MAKE PROVISION FOR MATTERS RELATED THERETO.

*1 of 1961
6 of 1967
LN 46A of 1978
LN 88 of 1978
16 of 1982
29 of 1987
17 of 1988*

[24th June 1961]

1. This Act may be cited as the Gaming and Lotteries Act.

Short title

2. In this Act, unless the context otherwise requires—

Interpretation
29 of 1987, s. 2

“Board” means the Board established pursuant to section 19;

“commercial gaming” means the playing of any game of chance whether played by any gaming machine or otherwise;

“commercial lottery” means lotteries approved by the Board pursuant to section 16, whereby money or money’s worth is distributed or allotted in any manner depending upon or to be determined by chance or lot, held, drawn, exercised or managed in Solomon Islands;

“game of chance” includes a game of chance and skill combined and a pretended game of chance or 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 and includes commercial gaming;

“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;

“inspector” means a person appointed as an inspector under section 23 and includes the Principal Inspector;

“licence” means a licence to operate a lottery granted under section 16;

“permit” means a permit to operate commercial gaming granted under section 6, and grammatical variations and cognate expressions shall be construed accordingly;

“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 place or vessel;
 “society” includes a club, institution, organisation or association of persons, by whatever name called, and any separate branch or section of such a club, institution, organisation or association and each local or affiliated branch or section of a society shall be regarded as a separate and distinct society.

General provisions as to gaming

3.—(1) Subject to the provisions of this Act, any gaming shall be lawful if, but only if, it is conducted in accordance with the following conditions, that is to say—

(a) that 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; and

(b) that 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 by payment to a player as winnings; and

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

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

(a) that the game was, or was a variant of or of a, similar nature to, a game which is capable of being played in accordance with the ordinary rules thereof in such a manner that the chances therein are not equally favourable to all the players, and that ten or more persons were present at the gaming; or

(b) that a payment of money or money's worth was required in order to obtain access to the premises,

then, subject to subsection (7), it shall be held that the gaming was unlawful gaming 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 Act, no gaming shall take place at which any person under the age of eighteen years is

included among the players, except where both the following conditions are satisfied, that is to say—

(a) that the gaming takes place in a private dwelling-house or in the presence of a parent or guardian of that person; and

(b) that any such person taking part in the gaming does so with the permission, whether general or special, of a parent or guardian of that person.

(4) If any gaming takes place on any premises—

(a) which is by virtue of subsection (1), or is held in pursuance of subsection (2) to have been, unlawful gaming; or

(b) which contravenes subsection (3),

any person concerned in the organisation or management of the gaming, and any other person who, knowing or having reasonable cause to suspect that unlawful gaming or gaming in contravention of subsection (3) would take place on those premises—

(i) allowed the premises to be used for the purposes of gaming; or

(ii) let the premises, or otherwise made the premises available, to any person by whom an offence in connection with the gaming has been committed,

shall be guilty of an offence; and for the purposes of this subsection any person who took part in procuring the assembly of the players shall be deemed to have been concerned in the organisation of the gaming.

(5) Any person who is present at any gaming such as is mentioned in paragraphs (a) or (b) of the last foregoing subsection for the purposes of taking part therein shall be guilty of an offence and shall be liable on summary conviction to a fine of one hundred dollars:

Provided that, for the purposes of any proceedings under this subsection in respect of gaming such as is mentioned in the said paragraph (a), paragraph (c) of subsection (1) shall be deemed to be omitted if the person charged proves that he was not required to make, or to undertake to make, any payment such as is mentioned in the said paragraph (c) and that he neither knew nor had reasonable cause to suspect that any other person was so required.

(6) For the purposes of the last foregoing subsection, proof that any person was present at any gaming shall be evidence that

he was present for the purpose of taking therein unless he proves that he was present neither for that purpose nor for any of the following purposes, that is to say, taking part in the management of the gaming, operating any instrument or other thing whatsoever used in connection with the gaming, or making bets with respect to the gaming.

(7) In any proceedings under this section, gaming shall be held to have been conducted in accordance with the condition set out in paragraph (c) of subsection (1) if it is proved—

(a) that the gaming was carried on as an activity of a club; and

(b) that, apart from any annual subscription for membership of the club, the only other payment required for a person to take part in the gaming was a fixed sum of money determined before the gaming began; and

(c) that no person took part in the gaming who was not either—

(i) a member of the club in pursuance of an application or nomination for membership made more than twenty-four hours before the gaming began; or

(ii) a bona fide guest of such a member; and

(d) that the club is so constituted and conducted, both as regards membership and otherwise, as not to be of a merely temporary character.

(8) In any proceedings in respect of a contravention of subsection (3) 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 under the age of eighteen years.

Gaming in public places

4.—(1) Subject to the provisions of sections 5 and 18 if any person takes part in gaming in any street or in any other place to which, whether on payment or otherwise, the public have access, he shall be guilty of an offence and shall be liable on summary conviction to a fine of one hundred dollars.

(2) Any police officer may arrest without warrant anyone whom he finds in any street or in any such place as aforesaid and whom he suspects, with reasonable cause, to be committing an offence under this section.

(3) In this section—

(a) the expression “street” includes any bridge, road, lane, footway, subway, square, court, alley or passage, whether a thoroughfare or not, which is for the time being open to the public; and

(b) the doorway and entrances of premises abutting upon, and any ground adjoining, and open to, a street shall be treated as forming part of the street.

5. Where gaming, other than gaming which is incidental to an amusement to which section 18 applies, is carried on at any entertainment promoted for raising money to be applied for purposes other than private gain, then, in relation to that gaming—

(a) so much of section 4 as relates to gaming in a public place other than a street shall not apply; and

(b) section 3 shall have effect as if for the condition set out in paragraph (c) of subsection (1) thereof there were substituted the following conditions:—

(i) not more than one payment (whether by way of entrance fee or stake or otherwise) is made by each player in respect of all games played at the entertainment, or at any entertainments promoted by the same person on the same premises on any day, and no such payment exceeds ten dollars;

(ii) not more than one distribution of prizes or awards is made in respect of all games played at the entertainment, and the total value of all prizes and awards distributed in respect of such games does not exceed one hundred dollars;

(iii) the whole of the proceeds of such payments as are mentioned in sub-paragraph (i) of this paragraph, after deducting sums lawfully appropriated on account of expenses or for the provision of prizes or awards in respect of games, are applied for purposes other than purposes of private gain;

(iv) 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.

6.—(1) No person shall permit or cause commercial gaming to take place in his premises unless he is a holder of a commer-

Saving for entertainments not held for private gain 29 of 1987, s. 3

Commercial gaming 29 of 1987, s. 4

cial gaming permit issued by the Board which is for the time being in force, authorising him so to use such premises for commercial gaming.

(2) An application for a permit shall be made to the Board in the form set out in Schedule I to this Act.

(3) Where a permit is issued pursuant to subsection (1) authorising the holder to operate any form of commercial gaming, the Board may in the permit prescribe any terms and conditions as it thinks fit.

(4) The Minister may for the purpose of giving effect to the provisions of this section in consultation with the Board prescribe by regulations—

(a) the type of commercial gaming to be permitted;

(b) the manner in which inspectors may carry out inspection of premises and gaming machines;

(c) the manner in which commercial gaming shall be carried on;

(d) the manner in which the premises is to be maintained, including provision for facilities to be afforded to persons resorting to, such premises;

(e) the nature and amount of winnings;

(f) the manner of making bets or stakes;

(g) the making, keeping and examination of accounts, records and returns by any person in relation to the operation of commercial gaming;

(h) the exemption in whole or in part from stamp duty of transactions in connection with commercial gaming; and

(i) such other provisions as may be required for giving effect to the requirements of this Act.

(5) The provisions of section 3 shall not apply to commercial gaming.

7. In granting a permit the Board shall be satisfied—

(a) that, having regard to the lay-out, character, condition or location of the relevant premises, or any premises to be altered or erected, those premises are suitable or will be suitable, for the purpose of commercial gaming;

(b) that the applicant is in all respects a fit and proper person and of appropriate financial standing to be the holder of a permit;

Matters for consideration by the Board
29 of 1987, s. 4

(c) that if the permit is granted, the premises concerned, if not to be managed personally by the applicant, would be managed by a person who would himself be a fit and proper person to be the holder of a permit, and who has given an undertaking to be ordinarily resident in Solomon Islands during such time as he manages such premises; and

(d) that the Principal Inspector of Gaming has been given all reasonable facilities to inspect any premises referred to in the application.

8. Notwithstanding any rule of law—

(a) the making of bets by way of commercial gaming as permitted by or pursuant to section 6, or any regulations made thereunder; and

(b) participation in any commercial lottery permitted under this Act,

shall not be held to be unlawful.

9. Any person who conducts, permits or causes commercial gaming to take place in any premises without a valid permit shall be guilty of an offence and liable on summary conviction to a fine of two thousand dollars or to imprisonment for two years.

10. Any person who, without lawful excuse (the proof whereof shall lie on him) has in his possession any instrument designed or adapted for gaming shall be guilty of an offence and liable on summary conviction—

(a) in the case of a first conviction, to a fine of one thousand dollars or to imprisonment for one year, or to both such fine and imprisonment; and

(b) in the case of a second or subsequent conviction for the same offence, to a fine of three thousand dollars or to imprisonment for two years or to both such fine and imprisonment.

11. The court before which any person is convicted of an offence under sections 9 or 10 may order that anything produced to the court, and shown to the satisfaction of the court to relate to the offence, be forfeited and either destroyed or dealt with in such other manner as the court may direct.

12. Any person who is guilty of an offence under any regulations made under section 6 for which no specific penalty is provided, shall be liable on summary conviction to a fine of five hundred dollars and in default of payment thereof to imprisonment for six months.

Special provisions with regard to commercial gaming and commercial lotteries
29 of 1987, s. 4

Unlawful commercial gaming
29 of 1987, s. 4

Unlawful possession of instruments of gaming
29 of 1987, s. 4

Forfeiture
29 of 1987, s. 4

Penalties for certain offences
29 of 1987, s. 4

Illegality of
lotteries
LN 46A of 1978

13.—(1) Subject to the provisions of subsection (5) and of the next two succeeding sections all lotteries are unlawful.

(2) Every person who in Solomon Islands in connection with any lottery promoted or proposed to be promoted within Solomon Islands or elsewhere—

(a) prints any tickets for use in the lottery; or

(b) sells or distributes, or offers or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution, any tickets or chances in the lottery; or

(c) prints, publishes or distributes, or has in his possession for the purpose of publication or distribution—

(i) any advertisement of the lottery; or

(ii) any list (whether complete or not) of the prize winners or winning tickets in the lottery; or

(iii) any such matter descriptive of the drawing or intended 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) brings, or invites any person to send into Solomon Islands for the purpose of sale or distribution any ticket in, or advertisement of, the lottery; or

(e) sends or attempts to send out of Solomon Islands any money or valuable thing received in respect of the sale or distribution, or any document recording the sale or distribution, or the identity of the holder, of any ticket or chance in the lottery; or

(f) uses any premises, or causes or knowingly permits any premises to be used, for the purposes connected with the promotion or conduct of the lottery; or

(g) causes, procures or attempts to procure any person to do any of the above-mentioned acts,

shall be guilty of an offence.

(3) In any proceedings instituted under the preceding subsection it shall be a defence to prove that the lottery to which the proceedings relate was such a lottery as is declared by either one of the next two succeeding sections not to be an unlawful lottery, and that at the date of the alleged offence the defendant believed, and had reasonable grounds for believing, that none of the conditions required by that section to be observed in connection with the promotion and conduct of the lottery had been broken.

(4) Proceedings under sub-paragraph (iii) of paragraph (c) of subsection (2) in respect of any matter published in a newspaper shall not be instituted except with the consent of the Director of Public Prosecutions

(5) Nothing in this section shall make unlawful any gaming conducted in such circumstances that no offence under sections 3, 4, 5 or 18 is committed and in any proceedings instituted under subsection (2) it shall be a defence to prove that the lottery to which the proceedings relate was also a game of chance and that at the time of the alleged offence the person charged believed, and had reasonable grounds for believing, that it was being conducted as aforesaid.

14.—(1) A lottery promoted, with the prior consent in writing of the Provincial Secretary of the Province in which such lottery is to take place, as an incident to an entertainment to which this section applies, shall be deemed not to be an unlawful lottery, but the conditions specified in the next succeeding subsection shall be observed in connection with the promotion and conduct of the lottery, and if any of these conditions is broken, every person concerned in the promotion or conduct of the lottery shall be guilty of an offence unless he proves that the offence was committed without his knowledge.

Exemption of
small lotteries
incidental to
certain
entertainments
LN 88 of 1978

(2) The conditions referred to in the preceding subsection are that—

(a) the whole proceeds of the entertainment (including the proceeds of the lottery) after deducting—

(i) the expenses of the entertainment, excluding expenses incurred in connection with the lottery; and

(ii) the expenses incurred in printing tickets in the lottery; and

(iii) such sum (if any) not exceeding twenty dollars as the promoters of the lottery think fit to appropriate on account of any expenses incurred by them in purchasing prizes in the lottery,

shall be devoted to purposes other than private gain;

(b) none of the prizes in the lottery shall be money prizes;

(c) tickets or chances in the lottery shall not be sold or issued nor shall the result of the lottery be declared, except on the premises on which the entertainment takes place and during the progress of the entertainment; and

(d) the facilities afforded for participating in lotteries shall not be the only, or the only substantial, inducement to persons to attend the entertainment.

(3) The entertainments to which this section applies are bazaars, sales of work, fetes, dinners, dances, sporting or athletic events and other entertainments of a similar character, whether limited to one day or extending over two or more days.

15.—(1) This section applies to any lottery which is promoted in Solomon Islands, with the prior consent in writing of the Provincial Secretary of the Province in which such lottery is promoted, by a society established and conducted wholly or mainly for one or more of the following purposes—

(a) charitable purposes;

(b) participation in or support of athletic sports or games or cultural activities;

(c) purposes not described in the foregoing paragraphs and not being purposes of private gain or purposes of any commercial undertaking,

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

(2) A lottery to which this section applies shall be deemed not to be an unlawful lottery, but the following conditions shall be observed in connection with the promotion and conduct of the lottery—

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

(b) no remuneration shall be paid in respect of the lottery to the promoter or any person employed by him in connection therewith who carries on or is in any way engaged in any betting business;

(c) no prize shall exceed five thousand dollars in amount or value and no ticket or chance shall be sold at a price exceeding two dollars;

(d) the whole proceeds, after deducting sums lawfully appropriated on account of expenses or for the provision of prizes, shall be applied to purposes of the society, being purposes described in paragraphs (a), (b) or (c) of subsection (1);

(e) the amount of the proceeds appropriated on account of expenses shall not exceed the expenses actually incurred, or ten *per centum* of the whole proceeds,

Exemption of
small lotteries
organised by
certain societies
LN 46A of 1978
LN 88 of 1978
29 of 1987, s. 5

whichever is the less, and the amount of the proceeds appropriated for the provision of prizes shall not exceed one-half of the whole proceeds;

(f) the price of every ticket or chance shall be the same, and the price of any ticket shall be stated on the ticket;

(g) the total value of the tickets or chances sold shall not exceed ten thousand dollars, and if, on any day on which tickets or chances in the lottery are on sale, tickets or chances are on sale in another lottery to which this section applies promoted on behalf of the same society, the total value of the tickets or chances sold in those lotteries taken together shall not exceed ten thousand dollars;

(h) no written notice or advertisement of the lottery shall be exhibited, published or distributed except as follows—

(i) a notice or advertisement exhibited on the premises of the society, or published or distributed exclusively to members of the society;

(ii) such notice or advertisement as may be contained in the tickets, if any;

(i) every ticket and every notice or advertisement of the lottery lawfully exhibited, distributed or published, shall specify the name of the society, the name and address of the promoter and the date on which the draw, determination or event, by or by reference to which the prize winners are ascertained, will take place;

(j) no ticket shall be sent through the post to a person not being a member of the society;

(k) no person shall be admitted to participate in the lottery in respect of a ticket or chance except after the 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 returned;

(l) no payment on account of expenses or prizes shall be made out of moneys of the society not being proceeds of the lottery; and

(m) no ticket or chance shall be sold by or to a person under sixteen years of age.

(3) If any condition required by subsection (2) to be observed in respect of a lottery is contravened, the promoter of the lottery and any other person who is a party to the contravention shall be guilty of an offence:

Provided that—

(a) it shall be a defence for a person charged with any offence only by reason of his being the promoter to prove that the contravention took place without his knowledge;

(b) it shall be a defence for any person charged with an offence in respect of an appropriation or payment made in contravention of paragraph (e) or paragraph (l) of subsection (2) to prove that the proceeds of the lottery fell short of the sum reasonably estimated, the appropriation or 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 and that the total amounts appropriated or paid in respect of expenses and prizes did not exceed the amounts which could have been lawfully appropriated out of the proceeds of the lottery under the said paragraph (e) if the said proceeds had amounted to the sum reasonably estimated.

(4) For the purposes of this section tickets or chances in a lottery shall be deemed to be on sale on each day between the dates on which such tickets or chances are first and last offered for sale, whether or not any such ticket or chance is sold on that day.

Commercial
lotteries
29 of 1987, s. 6

16. (1) Any person ordinarily resident in Solomon Islands may organise a commercial lottery for purposes other than those mentioned in sections 14 or 15, provided such person is a holder of a commercial lottery licence issued by the Board authorising him to promote and conduct a commercial lottery.

(2) Any application for a licence shall be made to the Board in the form set out in Schedule II to this Act.

(3) Subject to the provisions of this Act, the Board may in its discretion grant an application for a licence or its renewal, subject to such conditions as it may deem appropriate, or it may refuse any such application, and subject to section 17 a decision of the Board shall be final.

(4) Notwithstanding the provisions of section 13, a lottery to which this section applies shall be deemed not to be an unlawful lottery if—

(a) the organiser is in possession of a valid licence issued pursuant to subsection (1);

(b) the lottery tickets and machines are approved by the Board;

(c) the amount of money to be awarded or distributed as prizes in a series is fixed and approved by the Board; and

(d) the commercial lottery is conducted in accordance with the provisions of this Act and any regulations made thereunder.

(5) The Minister may for the purpose of giving effect to the provisions of this section in consultation with the Board make regulations respecting any matter necessary or advisable for carrying into effect the intention and purposes of this Act.

17.—(1) Any applicant aggrieved by the decision of the Board may, if dissatisfied with such decision within one month from the date of the decision of the Board appeal in writing setting forth the facts to the Minister.

Appeal from
decision of
Board
29 of 1987, s. 6

(2) The decision of the Minister on an appeal under subsection (1) shall be final and conclusive.

18.—(1) The provisions of this section shall have effect for the purpose of permitting the provision at any entertainment to which section 14 applies of amusements with prizes but in relation to any such amusement the conditions set out in the next following subsection shall be observed, and if either of those conditions is contravened every person concerned in the provision or conduct of that amusement shall be guilty of an offence unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

Provision of
amusements with
prizes at certain
entertainments

(2) The conditions referred to in the foregoing subsection are—

(a) that the whole proceeds of the entertainment (including the proceeds of any amusements to which this section applies) after deducting—

(i) the expenses of the entertainment, including any expenses incurred in connection with any such amusements and the provision of prizes thereat; and

(ii) any other amounts authorised to be deducted by paragraph (a) of subsection (2) of section 14,

shall be devoted to purposes other than private gain; and

(b) that the opportunity to win prizes at amusements to which this section applies, or that opportunity together with the facilities offered by virtue of section 14 for participat-

ing in a lottery, is not the only, or the only substantial, inducement to persons to attend the entertainment.

(3) In so far as gaming is incidental to any amusement at any entertainment to which this section applies, so much of section 4 as relates to gaming in a public place other than a street shall not apply to such gaming.

Appointment of
Gaming and
Lotteries Board
29 of 1987, s. 7

19.(1) There is hereby established for the purposes of this Act a Gaming and Lotteries Board (in this Act referred to as 'the Board') which shall consist of five members appointed by the Minister.

(2) The Minister shall appoint one of the members to be the Chairman of the Board.

(3) In the case of the absence or inability of the Chairman to act the members may appoint any other member to perform the functions of the Chairman.

(4) A member shall be appointed for two years and shall be eligible for reappointment upon the expiration of this period.

(5) The Minister may at any time revoke the appointment of any member if he considers it expedient so to do.

(6) The Board shall meet at such times as the Chairman shall determine.

(7) The quorum of the Board shall be three, including the Chairman.

(8) The Board may subject to the provisions of this Act regulate its own proceedings.

Functions of the
Board
29 of 1987, s. 7

20. (1) The functions of the Board shall be—

(a) to consider all applications for permits and licences;

(b) to grant or refuse such applications, as the case may be, after having considered the circumstances relevant to the application; and

(c) to ensure that all licensed premises comply with the requirements laid down by the regulations.

(2) In the exercise of its functions the Board may—

(a) grant on such terms and conditions as the Board thinks fit, permits and licences to carry on the business of commercial gaming and commercial lotteries.

(b) authorise the inspectors to carry out inspection of premises used in connection with commercial gaming;

(c) authorise the inspectors to examine and take copies of any books, records, accounts or other documents used for the purpose of commercial gaming or commercial lotteries; or

(d) carry out such activities as appear to it advantageous, necessary or desirable for or in connection with the exercise and performance of its functions.

21. The Minister may after consultation with the Chairman, give the Board directions of a general character as to the policy to be followed by the Board in the exercise and performance of its functions.

Ministerial
directions
29 of 1987, s. 7

22. The Board may from time to time give to the Principal Inspector directions not inconsistent with the provisions of this Act as to the exercise of any powers, discretions or functions or the performance of any duties under this Act or any regulations made thereunder, and the Principal Inspector and all other inspectors shall comply with any such directions.

Board may give
directions
29 of 1987, s. 7

23. (1) The Minister may in writing appoint a Principal Inspector and such other inspectors as he may consider necessary to carry out such duties and exercise such powers for ensuring compliance with the provisions of this Act and any regulations made thereunder.

Appointment and
powers of
inspectors
29 of 1987, s. 7

(2) An inspector may at any reasonable time enter any premises where commercial gaming is being conducted and inspect the premises and any machine or other equipment on the premises and any document which constitutes a record or account required to be made and retained for the purposes of this Act.

(3) An inspector upon entering any premises referred to in subsection (2) in pursuance of the powers conferred by this section shall, if requested to do so, produce the document under which he was appointed.

(4) The person in charge of the premises entered into by an inspector pursuant to this section, shall give such inspector all reasonable assistance within his power and shall furnish him with any such work information as he may reasonable require.

(5) If any permit holder or other person for the time being having control or management of the premises or any other person acting on behalf of or with the authority of the permit holder—

(a) fails without reasonable excuse to admit an inspector who demands admission to the premises in pursuance of this section; or

(b) on being required by an inspector to do so, fails without reasonable excuse to permit him to inspect the premises or any machine or other equipment on the premises; or

(c) on being required by an inspector to produce any such document as is mentioned in subsection (2), which in his possession or under his control, fails without reasonable excuse to produce it as required; or

(d) on being required by an inspector to provide any information relating to the premises or the conduct of gaming therein, which is reasonably required by the Minister for the purposes of this Act, fails without reasonable excuse to furnish that information to an inspector; or

(e) wilfully obstructs any inspector in the exercise of powers conferred by this Act, the permit holder or other person, as the case may be,

shall be guilty of an offence and liable to a fine of one thousand dollars or imprisonment for one year.

Enforcement and
penalties
6 of 1967, Sched.

24.—(1) If a Magistrate is satisfied on information on oath that there is reasonable ground for suspecting that an offence under this Act is being, or has been or is about to be committed on any premises, he may issue a warrant in writing authorising any police officer to enter those premises, if necessary by force, at any time within fourteen days from the time of the issue of the warrant, and search them; and any police officer who enters the premises may—

(a) seize and remove any document, money or valuable thing, instrument or other thing whatsoever found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of any such offence; and

(b) arrest and search any person found on the premises whom he has reasonable cause to believe to be committing or to have committed any such offence.

(2) A person guilty of an offence under subsection (4) of section 3 shall be liable—

(a) on summary conviction, to a fine of two hundred dollars or, in the case of a second or any subsequent conviction for an offence under the same provision, to imprisonment for three months or to a fine of four hundred dollars or to both; or

(b) on conviction upon trial before a Judge, to a fine of one thousand dollars or, in the case of a second or any subsequent conviction for an offence under the same provision, to imprisonment for one year or to a fine of one thousand five hundred dollars or to both.

6 of 1967, Sched

(3) A person guilty of an offence under any provision of this Act not mentioned in the last foregoing subsection, being a provision which does not provide a special penalty, shall be liable—

(a) on summary conviction, to a fine of one hundred dollars or, in the case of a second or subsequent conviction for an offence under the same provision, to imprisonment for two months or to a fine of two hundred dollars or to both; or

(b) on conviction upon trial before a Judge, to a fine of six hundred dollars or, in the case of a second or any subsequent conviction for an offence under the same provision, to imprisonment for six months or to a fine of one thousand dollars or to both.

6 of 1967, Sched

(4) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary or similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

In this subsection, the expression "director" in relation to a body corporate established by or under any enactment, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

(5) The court by or before which any person is convicted of any offence under this Act may order anything produced to the court and shown to the satisfaction of the court to relate to the offence to be forfeited and either destroyed or dealt with in such manner as the court may order.

17 of 1988, s. 2

SCHEDULE I
(Section 6)

Application for Commercial Gaming Permit

- (1) Name of applicant.
- (2) Address.
- (3) The address of the premises to which the permit is to apply.
- (4) I attach hereto the following particulars as required by law.

Date:..... Signature of applicant:.....

17 of 1988, s. 2

SCHEDULE II
(Section 16)

Application for Commercial Lottery Licence

- (1) Name of applicant.
- (2) Address.
- (3) The address of the premises to which the permit is to apply.
- (4) I attach hereto the following particulars as required by law.

Date:..... Signature of applicant:.....

CHAPTER 139

GAMING AND LOTTERIES

Subsidiary Legislation

THE GAMING REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

- 1. CITATION
- 2. DEFINITIONS
- 3. COMMERCIAL GAMES
- 4. DECLARATION OF APPROVED PREMISES AND ESTABLISHMENT LICENCE
- 5. OFFENCES RELATING TO INSPECTORS
- 6. BANK MAY BE REQUIRED TO FURNISH PARTICULARS
- 7. BRIBERY OF INSPECTORS
- 8. INSPECTORS NOT TO GAMBLE
- 9. PROTECTION OF INSPECTORS
- 10. GENERAL PENALTY
- 11. INSPECTORS MAY REMAIN ON APPROVED PREMISES
- 12. POWERS OF INSPECTORS IN RELATION TO RECORDS
- 13. HOURS OF OPERATION
- 14. APPROVED PREMISES
- 15. OBLIGATION OF PERMIT HOLDER IN RELATION TO THE CONDUCT OF GAMES
- 16. GAMING EQUIPMENT CHIPS
- 17. PERMIT HOLDER SHALL NOT ACCEPT CREDIT WAGERS
- 18. DEPOSIT ADVANCE ACCOUNTS
- 19. EXCHANGE OF A CHIP PURCHASE VOUCHER FOR A CHEQUE
- 20. REDEMPTION OF CHEQUES
- 21. DEPOSITING OF CHEQUES
- 22. NO REDEMPTION TO DELAY PAYMENT
- 23. CLAIMS
- 24. MAINTENANCE OF FACILITIES, ETC
- 25. SYSTEM OF CONTROLS AND PROCEDURES
- 26. CONTENT OF SUBMISSION

27. MINISTER'S APPROVAL
28. BOOKS AND RECORDS TO BE KEPT ON PREMISES
29. KEEPING OF BANK ACCOUNTS
30. ACCOUNTS TO BE KEPT
31. FINANCIAL STATEMENTS AND ACCOUNTS
32. AUDIT PROVISIONS
33. ENTRY TO AND EXCLUSION OF ENTRY FROM APPROVED PREMISES
34. APPEAL TO MINISTER
35. COMMISSIONER OF POLICE MAY EXCLUDE ENTRY
36. COPY OF DIRECTION TO BOARD
37. DURATION OF DIRECTION
38. LIST OF NAMES OF EXCLUDED PERSONS
39. LIST OF NAMES OF EXCLUDED PERSONS TO BE MAINTAINED
40. PERMIT HOLDER MAY EXCLUDE OR REMOVE EXCLUDED PERSON
41. EXCLUDED PERSON NOT TO ENTER OR REMAIN IN APPROVED PREMISES
42. PROVISIONS RELATING TO MINORS IN RESPECT OF APPROVED PREMISES
43. CHEATING
44. UNLAWFUL USE OF CERTAIN EQUIPMENT
45. DETENTION OF PERSONS BY PERMIT HOLDER
46. DETENTION, ARREST OF PERSONS BY MEMBER OF THE POLICE FORCE IN RELATION TO OFFENCES UNDER REGULATIONS 43 AND 44
47. OFFENCES RELATING TO CHEATING BY PERMIT HOLDER
48. FORGERY AND LIKE OFFENCES
49. COMMERCIAL GAMING TAX
50. EXEMPTION FROM STAMP DUTY
51. EMPLOYMENT OF STAFF

LN 100/1994

THE GAMING REGULATIONS

(Section 6)

[15th August 1994]

Citation

1. These Regulations may be cited as the Gaming Regulations.

Definitions

2. In these Regulations, unless the context otherwise requires—

“approved premises” means a premises declared by the Board to be an approved premises pursuant to regulation 4;

“chips” means any tokens used or capable of being used in the conduct of commercial gaming in place of money and approved for that purpose by the Board;

“game” means any game notified in the Gazette, together with an account of the rules for the playing thereof, by the Minister as a game that may be conducted or played pursuant to a commercial permit issued pursuant to section 6 of the Act;

“gaming equipment” means any electronic, electrical or mechanical contrivance or machine or any other physical item (excluding chips) used or for use in connection with commercial gaming;

“licence” means licence issued under regulation 4;

“net gaming drop” means the total of all sums, including cheques, received in any month from the conduct of commercial gaming, less the total of all sums paid out as winnings during that month in respect of commercial gaming. For the purpose of this definition any sum received and any sum paid out to redeem a chip is a sum paid out as winnings; and

“permit holder” means a person who holds a permit issued under section 6 of the Act.

3. (1) The Minister may, by notice published in the Gazette, nominate any game as a game that may be conducted or played in an approved premises pursuant to a commercial gaming permit.

Commercial games

(2) The notice shall include an account of the rules for the playing of the game.

(3) Rules for the playing of a game may be altered by subsequent notice.

(4) A permit holder shall ensure that each game is conducted according to the rules in force at that time.

4. (1) On receipt of an application under section 6 of the Act, the Board shall inspect the premises to ensure that such premises is suitable for the purposes for which it is to be used.

Declaration of approved premises and Establishment licence

(2) Where the Board is satisfied that the premises referred to in paragraph (1) is suitable for commercial gaming, the Board shall advise the Minister, to declare such premises to be an approved premises.

(3) No person shall have in his possession any instrument designed or adapted for gaming without a valid Establishment licence which may be issued by the Board in Form II set out in the Schedule after payment of the fee.

Offences relating to inspectors

5. A person who—

(a) assaults, obstructs, hinders, threatens, abuses, insults or intimidates an inspector or person acting in aid of an inspector who is exercising his powers or performing his functions or duties under the Act or attempting to do so;

(b) when required under these Regulations, to produce for inspection any gaming equipment, chips or records referred to in these Regulations, fail without lawful excuse to produce such gaming equipment, chips or records in accordance with that requirement; or

(c) refuses or fails to destroy any gaming equipment or chips considered by an inspector to be unsatisfactory for use when ordered to do so by the inspector,

shall be guilty of an offence and shall be liable to a fine not exceeding one thousand dollars or imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

Bank may be required to furnish particulars, etc

6. (1) The manager or other principal officer of a bank in which a permit holder keeps and maintains an account in relation to the operation of a commercial gaming permit shall, when required in writing by an inspector, furnish to such inspector a statement of account and any other particulars required by the inspector to be furnished, including copies of cheques or records relevant to the account.

(2) A bank or its officer shall not be liable for any breach of trust or otherwise by reason only of the furnishing of any statement or particulars or copies pursuant to this regulation.

(3) An inspector shall not make a requirement in writing under paragraph (1) unless he has the prior approval in writing of the Minister so to do.

Bribery of inspectors

7. (1) Any inspector who corruptly asks for, receives, obtains or agrees to receive or obtain any money, property or benefit of any kind for himself or any other person shall be guilty of an offence.

(2) Any person who corruptly gives or agrees to give or offers to give any gift or other consideration to any inspector as an inducement or reward with a view to influencing such inspector

to do or neglect the performance of any act in the course of his duty is guilty of an offence.

(3) Any person who is convicted under this regulation shall be liable to a fine not exceeding one thousand dollars or imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

8. (1) An inspector—

(a) shall not gamble on premises approved for commercial gaming except where it may be necessary for him to do so in the course of his duties as an inspector;

(b) shall not knowingly have, directly or indirectly—

(i) any business or financial association with; or

(ii) any business or financial interest in any matter in conjunction with

a permit holder under the Act; and

(c) shall not be an employee in any capacity of a permit holder.

(2) A permit holder shall not employ in any capacity or have as an employee a person who is an inspector.

9. No inspector or member of the police force shall be liable for any liability which may be incurred whilst acting in the performance of his duties under the Act.

10. A person who contravenes or fails to comply with any provisions of the Act or Regulations is guilty of an offence and, except where a specific penalty is provided, is liable, in the case of a body corporate, to a penalty of one thousand dollars and, in the case of a natural person, to a penalty of five hundred dollars.

11. Inspectors may at any time enter, and remain on approved premises for the purposes of—

(a) viewing the operations of commercial gaming;

(b) observing other activities associated with the operation of commercial gaming;

(c) ascertaining whether the operation of commercial gaming is being properly supervised and managed; or

(d) in all other respects, exercising their powers and performing their duties under the Act.

12. An inspector may require any person who has in his possession or under his control any gaming equipment, chips, any

Inspectors not to gamble

Protection of inspectors

General penalty

Inspectors may remain on approved premises

Powers of inspectors in relation to records

books, accounts, records, or documents (such books, accounts, records or documents are referred to as "records" in these Regulations) related to the operation of commercial gaming or otherwise relevant to the administration of the Act to —

- (a) produce for inspection with respect to any gaming equipment, chips or any records or entries made therein; or
- (b) request a person who he thinks is competent to assist producing such records.

Hours of operation

13. (1) A permit holder shall only operate on approved premises on days approved by the Minister.

(2) Commercial gaming shall not be permitted on Christmas Day or Good Friday between the hours 3 am and 12 midnight.

Approved premises

14. A permit holder shall —

- (a) ensure that visibility throughout any gaming area is clear and unobstructed; and
- (b) submit for the approval of the Board a floor plan of the approved premises indicating in detail the placement of gaming tables, count rooms, cages and all other associated facilities.

Obligation of permit holder in relation to the conduct of games

15. (1) A permit holder shall ensure that in any game in which playing cards are used, the cards so used are at all times dealt from an item of gaming equipment known as a "card shoe".

(2) A permit holder shall not issue or cause, or suffer to be issued any chips for gaming unless the chips are paid for —

- (a) in cash to their value; or
- (b) by chip purchase vouchers issued on payment of the amount shown on the voucher.

(3) A permit holder shall ensure that all gaming wagers are placed by the use of chips unless the rules of a game specifically permit the use of cash.

(4) A permit holder shall ensure that all winning wagers are paid in full without any commission or levy other than commission or levy provided for in the rules of a game.

(5) A permit holder shall during the hours of operation, at the request of a player —

- (a) exchange chip purchase vouchers for chips of an equivalent total value; or

(b) redeem chips or chip purchase vouchers for cash or an amount equivalent to the value of the chips or chip purchase vouchers,

provided, that the permit holder, if required by the player, may at his discretion issue, in lieu of cash, a cheque made payable to the player and drawn on a bank account approved by the Minister for that purpose.

(6) An employee of a permit holder shall not in the approved premises in which he is employed or with which he is associated —

- (a) wager at any game; or
- (b) solicit or accept any tip, gratuity, consideration or other benefit from any player.

16. (1) A permit holder shall ensure that all gaming equipment is of a high standard of manufacture and is maintained in good order and condition.

Gaming equipment and chips

(2) A person shall not possess, maintain or exhibit any gaming equipment or bring into or remove from an approved premises any gaming equipment unless such equipment —

- (a) has been approved by the Board;
- (b) is necessary for the conduct of gaming; and
- (c) is under the exclusive control of the permit holder or his agents or employees.

(3) All drop boxes and other receptacles for the depositing of moneys (being either notes or coins), tokens, vouchers, slips or other papers shall be equipped with two locks.

(4) A gaming table to which a drop box referred to in paragraph (3) is affixed or attached shall be equipped with a lock securing the drop box.

(5) All count rooms and storage areas where there are drop boxes and other receptacles referred to in paragraph (3) shall be equipped with two locks.

(6) The key or keys of one of the locks shall be under the exclusive control of the inspectors and the key or keys of the other lock shall be under the exclusive control of the permit holder.

(7) Each of the locks shall be such that it cannot be unlocked by the key or any key of the other lock.

(8) A drop box or other receptacle referred to in paragraph (3) shall not be —

(a) brought into or removed from the area used for the conduct and playing of games; or

(b) locked or unlocked, except at such times and according to such procedures approved by the Board.

(9) Chips used or for use in commercial gaming shall have clearly and permanently impressed, engraved or imprinted thereon —

(a) a name or symbol identifying the permit holder or approved premises;

(b) denomination, to be known as “value chips”, the specific value of the chips, with each denomination being a separate distinguishing colour; and

(c) for chips not of a specified denomination, to be used for the sole purpose of gaming at roulette and to be known as “non-value chips”, the word “roulette” impressed in the rim of the chips and a design, inset or symbol.

(10) A permit holder shall keep, and at all times accurately maintain, a written inventory of gaming equipment and chips used or for use in gaming.

(11) A permit holder shall not destroy any gaming equipment or chips except under the supervision of an inspector.

17. (1) A permit holder, his agent or employee shall not, in connection with any commercial gaming —

(a) accept a credit wager from any person;

(b) advance anything of value to any person; or

(c) extend credit in any form to any person.

(2) Nothing contained in paragraph (1) limits the operation of the provisions of regulation 19.

18. (1) A permit holder may establish for a person a deposit advance account into which money may be deposited by that person in advance of any gaming by him.

(2) A permit holder shall not accept for deposit to the account, a cheque, other than a traveller’s cheque, unless it is —

(a) drawn on a bank and payable on demand;

(b) drawn for a specific amount;

(c) made payable to the permit holder; and

Permit holder shall not accept credit wagers

Deposit advance accounts

(d) dated but not post dated.

(3) A permit holder may issue to the person for whom the deposit advance account is established a chip purchase voucher or chip purchase vouchers of a value up to the amount standing to his credit in the account or may pay to him cash up to the amount standing to his credit.

19. (1) Subject to paragraph (2) a permit holder may issue to a person for the purpose of gaming by him, and in exchange for a cheque from him, a chip-purchase voucher or chip purchase vouchers of a value equal to the amount of the cheque.

Exchange of a chip purchase voucher for a cheque

(2) A permit holder shall not accept for the purposes of paragraph (1) a cheque, other than a traveller’s cheque, unless it satisfies the requirements of regulation 18(2).

20. Subject to regulation 21, a person who has deposited or lodged with a permit holder under regulations 18 or 19, a cheque that complies with the requirements referred to in regulation 18(2) may, with the agreement of the permit holder, redeem the cheque by presenting in exchange —

Redemption of cheques

(a) cash;

(b) a cheque or cheques complying with the requirements of regulation 18(2);

(c) a chip purchase voucher or chip purchase vouchers;

(d) chips; or

(e) any two or more of the foregoing in combination,

to an amount or a value equivalent to the amount of the cheque deposited or lodged.

21. All cheques received by a permit holder in respect of gaming that are not redeemed in accordance with regulation 20 shall be banked within fourteen days.

Depositing of cheques

22. Where a person has deposited or lodged a cheque with a permit holder under regulations 18 or 19 the permit holder shall not agree to the redemption by that person of the cheque pursuant to regulation 20 for the purpose of avoiding or delaying beyond the fourteen days referred to in regulation 19, the banking of the cheque to the appropriate account of the permit holder.

No redemption to delay payment

23. (1) Where a permit holder or an employee or agent is presented with a claim for payment from a player on a gaming trans-

Claims

action, the permit holder shall immediately attempt to resolve the claim.

(2) If the permit holder or an employee or agent cannot resolve the claim, he shall immediately advise an inspector on duty who shall investigate the claim, record all relevant information and report to the player and the permit holder the results of his investigations.

(3) If upon receipt of the report of the inspector, the permit holder cannot resolve the claim, the permit holder shall inform the player that the player may, within ten days but not otherwise, request the Board to review the decision made by the permit holder in respect to the claim.

(4) The following provisions shall apply with respect to a review by the Board—

(a) a request for review shall be made in Form 1 set out in the Schedule;

(b) a request for review shall not be accepted by the Board unless it is received within the period of ten days referred to in paragraph (3);

(c) the Board may, in its discretion, refuse to undertake any review of the decision of the permit holder and in which case he shall advise the permit holder and the player accordingly;

(d) the Board shall, where it is willing to review the decision of a permit holder—

(i) give to the permit holder a copy of Form 1 as completed by the player; and

(ii) notify the permit holder and the player that each of them may, within one month after the date of the notice, make a submission in writing to the Board with respect to the claim;

(e) upon the expiration of the time limit for the receipt of submissions pursuant to sub-paragraph (d), the Board may cause such investigation to be made in relation to the review as the Board thinks fit;

(f) the Board shall, as soon as practicable, consider the written submissions and reports available to it, and notify the permit holder and the player in writing of its decision, stating the reasons for its decision.

(5) Nothing in this regulation operates so as to prejudice or affect any other right or remedy of a permit holder or a player.

24. A permit holder shall—

(a) maintain all facilities and amenities of the approved premises in a condition that will ensure the maximum comfort for players;

(b) ensure that the operation of commercial gaming is conducted in a proper and competent manner; and

(c) ensure that all commercial gaming installations, equipment and procedures for security and safety are used, operated and applied at all relevant times.

25. (1) A permit holder shall submit to the Board for the approval of the Minister—

(a) a description of the system of internal controls and administrative and accounting procedures proposed by him in connection with the operation of commercial gaming; and

(b) details of changes proposed to any such controls and procedures previously approved by the Minister.

(2) The submission shall be made not later than ninety days prior to the date for the commencement of the operation of the approved premises or the implementation of the proposed changes.

26. A submission describing the system of internal controls and administrative and accounting procedures referred to in regulation 25(1)(a) shall contain both narrative and diagrammatic representation of the system to be utilised by the permit holder, including, but not limited to—

(a) accounting procedures, including the standardisation of forms and definition of terms, not inconsistent with the Act, to be utilised in the gaming operations;

(b) procedures, forms and, where appropriate, formulae for or with respect to—

(i) hold percentages and calculations thereof;

(ii) revenue drop;

(iii) minimum and maximum bet limits for each game;

(iv) numbers of each type of game;

(v) expense and overhead schedules;

(c) organisation structure and chain of command authority;

Maintenance of facilities, etc

System of controls and procedures

Content of submission

- (d) procedures for the conduct and playing of games;
- (e) procedures within a cashier's cage for the receipt, storage and disbursal of chips and cash, the cashing of cheques, the redemption of chips and the recording of all transactions pertaining to gaming operations;
- (f) procedures for the collection and security of money at the gaming tables and other places where games are conducted;
- (g) procedures and forms for the transfer of chips to and from the gaming tables and other places where games are conducted;
- (h) procedures for the transfer of money from the gaming tables and other places where games are conducted to other areas for counting;
- (i) procedures and forms for the transfer of money or chips from and to any gaming area;
- (j) procedures and security for the counting and recording of revenue;
- (k) procedures and security for the transfer of moneys to and from a bank;
- (l) procedures for the security, storage and recording of chips utilised in the gaming operations;
- (m) procedures and standards for the maintenance, security and storage of any gaming equipment;
- (n) procedures for the payment and recording of winnings associated with any games where such winnings are paid by cash or cheque;
- (o) procedures for the issue of chip purchase vouchers and the recording of those transactions;
- (p) procedures for the cashing and recording of cheque transactions;
- (q) procedures for the establishment and use of deposit advance accounts;
- (r) procedures governing the utilisation of security personnel; and
- (s) procedures for the control of keys used or for use in commercial gaming operations.

Minister's
approval

27. (1) The Board shall review each submission received by them pursuant to regulation 25.

(2) Where the Board advises the Minister that the submission is in conformity with the requirements of the Act and that the system of controls and procedures provides satisfactory and effective control over the operations of commercial gaming, either in the first instance or as changed in accordance with proposed alterations, the Minister shall approve the system or proposed changes.

28. (1) All books, records and documents relating to the operations of commercial gaming shall be kept by the permit holder on the approved premises.

Books and
records to be
kept on premises

(2) The Board may —

- (a) exempt the permit holder from compliance with paragraph (1) either in respect of all books, records and documents or some of them as specified, for reasons considered to be sufficient; or
- (b) approve generally or in particular cases that books, records and documents otherwise kept on the premises may be removed temporarily to another place or other places.

(3) Subject to any other Act or law relating to the retention or destruction of books, records and documents, all books, records and documents as referred to in paragraph (1) shall be retained by the permit holder for a period of seven years after the completion of the transactions to which they relate, provided that the Board may, on the application of the permit holder, approve —

- (a) the retention of books, records or documents in an alternative form or manner;
- (b) the destruction of any of the books, records or documents not considered to be essential at a time prior to the expiration of the period.

29. A permit holder shall keep and maintain bank accounts, as approved by the Minister, in a bank operating in Solomon Islands, for all banking transactions relating to the operations of commercial gaming.

Keeping of bank
accounts

30. A permit holder shall —

- (a) keep such accounting records to correctly record and explain the transactions and financial position of the operations of the approved premises;
- (b) keep his accounting records in such a manner as to —

Accounts to be
kept

- (i) reflect a true and accurate account of his financial transactions for the year; and
- (ii) enable his financial statements and accounts to be conveniently and properly audited.

Financial statements and accounts

31. A permit holder shall prepare financial statements and accounts giving a true and accurate view of his financial operations in respect of the approved premises which shall include —

- (a) trading accounts, where applicable, for the financial year;
- (b) profit and loss accounts for the financial year; and
- (c) balance sheet as at the end of the financial year.

Audit provisions

32. (1) A permit holder shall at his own expense cause his books, accounts and financial statements relating to the operations of the approved premises to be audited by a person who —

- (a) is registered as a public accountant; and
- (b) is approved by the Minister.

(2) The auditor shall complete the audit within four months of the close of the financial year and immediately upon completion submit a report to the permit holder and the Board.

Entry to and exclusion of entry from approved premises

33. (1) Entry to approved premises shall be restricted to —

- (a) players;
- (b) tourists and visitors producing a current passport;
- (c) registered guests of a resort at which the approved premises are located.

(2) Except where specifically provided for in these Regulations, no person has a right to enter or remain in an approved premises, except by the licence of the permit holder.

(3) A direction, either verbally or in writing, prohibiting a person from entering or remaining on an approved premises may be given to that person by the permit holder or the person who at the time is in charge of the approved premises.

(4) A person to whom a direction is given may request that it be given to him in writing.

Appeal to Minister

34. (1) A person receiving a direction in writing pursuant to regulation 33, prohibiting him from entering or remaining on an approved premises, may appeal against the direction to the Minister.

(2) The appeal shall be made in writing and shall detail the grounds on which the appeal is made.

(3) The Minister may cause such inquiries to be made by the Board in relation to the direction as he thinks fit and the results of those inquiries are to be reported to the Minister.

(4) Upon consideration of the grounds of appeal detailed by the appellant, and any matters reported to him by the Board in relation to the direction, the Minister may —

- (a) reject the appeal; or
- (b) allow the appeal.

(5) The decision of the Minister shall —

(a) be communicated in writing to the appellant and the permit holder; and

(b) be final and conclusive and shall not be appealed against, reviewed, quashed or in any way called in question in any court on any account whatsoever.

(6) An appeal against a direction does not prejudice the effectiveness of the direction of the Minister.

35. (1) The Commissioner of Police may, in writing, direct a permit holder to exclude a specified person from an approved premises and the permit holder shall comply.

Commissioner of Police may exclude entry

(2) Where the Commissioner of Police gives a direction, he shall, where practicable —

- (a) make available to the permit holder a photograph of the person to be excluded; and
- (b) give notice of the direction to the person to be excluded.

36. A copy of a direction in writing under regulations 33 or 35 shall be given to the Board by the permit holder or other person who has given the direction pursuant to regulations 33 or 35.

Copy of direction to Board

37. A direction given under regulations 33 or 35 shall, subject to regulation 34 remain in force until revoked by the permit holder or the Commissioner of Police.

Duration of direction

38. (1) A permit holder shall maintain a list of the names of persons who are prohibited from entering or remaining on an approved premises pursuant to a direction in writing referred to in regulation 33 or excluded in writing referred to in regulation 35.

List of names of excluded persons

(2) The permit holder shall make available to the Board or an inspector a current copy of the list of names referred to in paragraph (1).

List of names of excluded persons to be maintained

39. The following information and particulars in respect of excluded person shall be contained in the list of excluded persons to be maintained under regulation 38 —

(a) full name and all aliases the person is believed to have used;

(b) a description of the person's physical appearance, including height, weight, type of build, colour of hair and eyes, and any other physical characteristics which may assist in identifying the person;

(c) date of birth or, if unknown, approximate age; and

(d) a photograph, if obtainable, and the date taken.

Permit holder may exclude or remove excluded person

40. It is lawful for a permit holder, an employee or agent of a permit holder employed in or acting in connection with the approved premises and any person acting by the authority of the permit holder, employee or agent to use such force as is reasonably necessary in order to prevent any person who is the subject of a direction under regulations 33 or 35 from entering on an approved premises or in order to remove any such person who remains on approved premises.

Excluded person not to enter or remain in approved premises

41. A person who is the subject of a direction in writing under regulations 33 or 35 shall not enter or remain on an approved premises to which the direction relates.

Provisions relating to minors in respect of approved premises

42. (1) Persons under the age of eighteen years shall not be permitted to be on an approved premises.

(2) A person under the age of eighteen who is found on an approved premises during the hours of operation is guilty of an offence.

Cheating

43. Any person who whilst in an approved premises —

(a) by any trick, device, sleight of hand or representation;

(b) by any scheme or practice;

(c) by the use of any machine, equipment or other things; or

(d) by the use of any instrument or article of a type normally used in connection with gaming or appearing to be of a type normally used in connection with gaming,

obtains for himself or another person or induces any person to deliver, give or credit to him or another person any money, chips, benefit, advantage, valuable consideration or security, is guilty of an offence and on conviction shall be liable to a fine not exceeding one thousand dollars or imprisonment for a period not exceeding two years or to both such fine and imprisonment.

44. Any person who whilst in an approved premises uses or has in his possession —

Unlawful use of certain equipment

(a) any chips that he knows are bogus or counterfeit chips;

(b) any cards, dice or coins that he knows have been marked, loaded or tampered with; or

(c) for the purpose of cheating or stealing, any equipment, device or thing that permits or facilitates cheating or stealing,

is guilty of an offence and on conviction shall be liable to a fine not exceeding one thousand dollars or imprisonment for a term not exceeding two years or to both such fine and imprisonment.

45. Any —

(a) permit holder;

(b) employee or agent of a permit holder; or

(c) inspector;

Detention of persons by permit holder

may, on an approved premises detain any person who is or whom he suspects on reasonable grounds to be contravening or attempting to contravene regulations 43 or 44, using such force as is reasonably necessary for that purpose, until the arrival of a member of the police force.

46. (1) Any member of the police force may in an approved premises detain for a reasonable time any person who has or who is suspected on reasonable grounds to have contravened or attempted to contravene regulations 43 or 44

Detention, arrest of persons by member of the police force in relation to offences under regulations 43 and 44

(2) A member of the police force, in so detaining a person, may —

(a) search that person and the possessions of that person;

(b) seize anything found as a result of the search that may afford evidence of the commission of an offence; and

(c) use such force as is reasonably necessary for the purpose of detention and search.

Offences relating to cheating by permit holder, etc

47. (1) Any permit holder or employee or agent of a permit holder who in an approved premises conducts any game in such a manner as to win or attempt to win from any person to himself or any other person any money, chips or other valuable thing by any fraud, unlawful device or ill-practice, is guilty of an offence.

(2) Any permit holder or employee or agent of a permit holder who corruptly asks for, receives or obtains benefits of any kind for himself or any other person —

(a) for the permit holder, his employee or agent to forego or neglect his duty or to influence him in the performance of his duty;

(b) on account of anything already done or omitted to be done by the permit holder or his employee or agent in the discharge of his duty;

(c) for the permit holder or his employee or agent to use or take advantage of his office improperly to gain a benefit or advantage for or facilitate the commission of an offence by any other person,

is guilty of an offence and on conviction shall be liable to a fine not exceeding one thousand dollars or imprisonment for a period not exceeding two years or to both such fine and imprisonment.

Forgery and like offences

48. A person who —

(a) forges or counterfeits any chip purchase voucher;

(b) knowingly utters any forged or counterfeited chip purchase voucher;

(c) falsely represents himself to be an inspector;

(d) attempts any such forgoing, counterfeiting, uttering, personating or representing,

is guilty of an offence and on conviction shall be liable to a fine not exceeding one thousand dollars or imprisonment for a period not exceeding two years or to both such fine and imprisonment.

Commercial gaming tax

49. (1) The permit holder is liable for the payment of a commercial gaming tax which shall be five per cent of the net gaming drop for each calendar month.

(2) The tax shall be paid by the permit holder within fourteen days after the expiration of each calendar month.

50. All commercial gaming transactions conducted by the permit holder on approved premises shall be exempt of all stamp duties which would ordinarily be payable on that transaction.

Exemption from stamp duty

51. (1) A permit holder shall only employ staff qualified to conduct commercial gaming.

Employment of staff

(2) The permit holder has the right to terminate the employment of any person, who in the opinion of the permit holder, does not maintain the standard required for commercial gaming.

(3) The Board can direct the permit holder to terminate the employment of a person, who in the opinion of the Board, does not possess or maintain the standards required to conduct commercial gaming.

(4) The permit holder shall supply to the Board, at regular intervals, a list of all staff engaged in commercial gaming.

(5) The list shall be amended upon the commencement or termination of any employee engaged in commercial gaming.

SCHEDULE

FORM I
(reg 23)

GAMING AND LOTTERIES ACT
(Cap. 139)

THE GAMING REGULATIONS

Request by Player for Review of Decision made by a Commercial Gaming Permit Holder with Respect to a Claim.

To: Gaming and Lotteries Board
HONIARA
Solomon Islands

I,
(full name)

being a player who is aggrieved by the decision of the permit holder made with respect to my claim, hereby request you to review the said decision.

Particulars of the claim and the decision are as follows —

1. Name of premises:
2. Name of permit holder:
3. Date of gaming transaction:

4. Particulars of the gaming transaction and claim*

.....
.....
.....
.....

5. Decision of permit holder:.....

.....

6. Date and Time of decision of the permit holder:

.....

7. Date and Time claim reported to Government Inspector on duty at the premises:

.....

8. Address of player for correspondence:.....

.....

.....

Dated at..... this.....day of

....., 19

(Signature).....

*Note: Particulars of the gaming transaction and claim may be given on a separate attached sheet if space insufficient. All attachments shall be dated and signed.

FORM 11
(reg 4)

GAMING AND LOTTERIES: ACT
(Cap. 139)

THE GAMING REGULATIONS

ESTABLISHMENT LICENCE

The Gaming and Lotteries Board having considered your application for a permit to operate commercial gaming pursuant to section 6 of the Act and is satisfied that you have successfully complied with the requirements of the said Act hereby grants.....(name) of
.....(address) this.
This Establishment Licence shall be valid for a period of twelve (12) months.

Dated at Honiara this.....day of.....1994

.....
Chairman of Board

THE GAMING REGULATIONS

FEES
(reg 4)

Establishment Fee	\$10,000.00
Permit	\$1,000.00
Renewal of Permit per annum	\$1,000.00
Replacement of lost or damaged licence or permit	\$100.00

THE GAMING REGULATIONS
(Regulations 3 & 4)

DECLARATIONS OF APPROVED PREMISES AND GAMES

1. Approved Premises	Games	
Honiara Gaming Club	(a)	American Roulette
1st Floor, REG Building	(b)	Baccarat
Mendana Avenue, Point Cruz,	(c)	Black Jack
Honiara		

LN 99/1994

LN 105/1994	2. Approved Premises (1.) SUPER CLUB 1st Floor, Super Club Building, Old China Town Honiara. (2.) CLUB 88 1st Floor, Quan Hing Building Old China Town Honiara (Subject to the conditions in Gaming Permit)	Games 1. American Roulette 2. Baccarat 3. Black Jack 4. Chinese Majong 1. American Roulette 2. Baccarat 3. Black Jack 4. Chinese Majong
LN 36/1995	3. Approved Premises Honiara Casino Limited 1st Floor, REG Building Mendana Avenue, Point Cruz, Honiara	Games. (a) American Roulette (b) Baccarat (c) Black Jack (d) Caribbean Stud/Pacific Poker (e) Money wheel (f) Slot Machines
LN 49/1995	4. Approved Premises PATIMAS LEISURE LIMITED 1ST FLOOR, SUPER CLUB BUILDING, HONIARA MAIN MARKET	Games PATIMAS 4 D
GN 69/1996	5. Approved Premises Honiara Casino Limited Ground Floor, R.E.G. Building Mendana Avenue, Point Cruz Honiara	Games Commercial Gaming

THE COMMERCIAL LOTTERY (INSTANT LOTTERY)
REGULATIONS

LN 151/1992

(Section 16)

[11th December 1992]

1. These Regulations may be cited as the Commercial Lottery (Instant Lottery) Regulations

Citation

2. In these Regulations —

Interpretation

“agent” means a person authorised by a licence holder to sell tickets on his behalf;

“instant lottery ticket” and “ticket” mean a scratch lottery ticket where the ticket holder is able to determine immediately on playing if a prize is due; and

“licence holder” means a person who is authorised by the Board under section 16 of the Act to conduct and operate an instant lottery in Solomon Islands.

3. The holder of a commercial lottery licence issued under section 16 of the Act may with the approval of the Board print or cause to be printed instant lottery tickets to be sold to the members of the public in Solomon Islands.

Printing of instant lottery tickets

4. (1) An application for a licence or renewal of a licence to operate a commercial lottery shall be made to the Board in the form set out in Schedule 2 to the Act.

Licence

(2) Upon the Board being satisfied that the applicant is a person suitable to operate a commercial lottery, the Board may, subject to the payment of the fee prescribed in Schedule 2 to these Regulations, issue to such applicant a licence in the form set out in Schedule 1 to these Regulations.

Schedules 1 and 2

(3) Where the Board is of the view that in the case of a renewal of a licence, the fee should be waived or reduced due to the amount of the levy paid in the previous year by the applicant, the Board may so waive or reduce the prescribed renewal fee.

5. (1) The Minister may, in consultation with the Board from time to time prescribe by order a levy or rate that the licence holder shall pay on each ticket sold.

Levy

(2) Where a levy or rate has been prescribed by the Minister under paragraph (1), the licence holder shall pay such levy or rate in the manner prescribed.

Board to determine price, cash prizes, etc

6. The Board in permitting the printing of instant lottery ticket shall determine in respect of any series —

- (a) the number of tickets to be printed;
- (b) the selling price of each ticket;
- (c) the number and value of cash prizes;
- (d) the ticket win percentage as verified by the Auditor-General.

Printing of tickets

7. (1) Each instant lottery ticket shall on the reverse of the ticket specify —

- (a) the manner in which the ticket holder may determine whether an instant prize has been won; and
- (b) the procedure for claiming the prize.

(2) An instant lottery ticket shall be printed in such manner that it is not possible for the holder of the ticket to determine whether a prize could be won until the matter printed in a panel or panels on the ticket is exposed.

(3) The amount payable in respect of each ticket shall be specified on the face of the ticket and no surcharge or other additional fee shall be charged by an agent.

Board's control and supervision of tickets printed

8. All instant lottery tickets printed shall be subject to the following conditions —

- (a) if the Board so desires, the Auditor-General or a person nominated by him shall be entitled at the expense of the licence holder to inspect and test any procedures, devices or aids used for or in connection with the printing of tickets;
- (b) the percentage of winning tickets in a series shall be verified by the Auditor-General.;
- (c) the design of the ticket shall bear a verification method which is capable of providing the agent or the licence holder to verify the winning tickets; and
- (d) the ticket shall be printed by a bonded lottery ticket printing company approved by the Board.

Prize money to be paid forthwith

9. (1) The licence holder shall on production of a winning ticket forthwith pay to the holder of the ticket the prize money due on the ticket.

(2) Any cheque drawn in payment of a prize shall be made payable to the order of one named prize winner.

Void tickets

10. (1) Subject to the provisions of paragraph 2, a ticket is void and no prize is payable —

- (a) if the ticket is stolen, unissued, illegible, mutilated, altered, counterfeit, or defaced, or if any portion of the "VOID IF REMOVED" panel on the ticket is exposed;
- (b) if other than exactly one prize amount appears in each panel;
- (c) if any prize amount is inconsistent with any caption in that panel;
- (d) if any prize amount is inconsistent with any security, validation or verification number on the ticket;
- (e) if it fails any confidential or other security test approved by the Board for verification of the validity of ticket; and
- (f) in such circumstances as may be specified on the ticket or publicly advertised by the licence holder.

(2) Notwithstanding the provisions of paragraph (1), a prize may be paid —

- (a) where the whole or any part of the "VOID IF REMOVED" panel on a ticket is exposed;
- (b) where any security, validation or verification number printed on a ticket is exposed; or
- (c) in respect of any other apparently void ticket,

if the licence holder having regard to all the circumstances of the case is satisfied that there is nevertheless a valid claim for payment.

Prize Fund

11. (1) Every licence holder shall keep and maintain in a commercial bank in Solomon Islands a fund to be known as the Prize Fund.

(2) The Prize Fund shall at all times comprise of an amount equal to the total value of tickets sold and not redeemed at the prescribed win percentage as determined under regulation 6(d).

(3) The Board may where it considers desirable vary the the amount prescribed under paragraph (2).

(4) The amount lying to the credit of the Fund shall remain and be used for the payment of winnings for a minimum period of one month after the publication of a notice of discontinuance or cancellation of a specific lottery.

12. The cancellation or discontinuance of a lottery or specific ticket shall be announced publicly and published in a local news-

Cancellation of game

paper at least once a week for a minimum period of one month prior to the cancellation or discontinuance.

Reports

13. (1) The licence holder shall keep statements of accounts and other financial and relevant information in such manner as prescribed by the Board.

Schedule 3

(2) The licence holder shall submit to the Board in the form prescribed in Schedule 3 reports at the times specified therein.

Sales agents

14. (1) The licence holder may contract or employ sales agents for the sale of tickets.

(2) Agents contracted or employed by the licence holder shall be authorised to sell tickets on behalf of the licence holder and shall not be required to be registered or to apply for any licence from the Board.

(3) Agents contracted or employed to sell tickets shall maintain detailed records of all tickets received, sold, unsold and prize money paid on each winning ticket.

Advertising

15. (1) Any advertisement in respect of instant lotteries shall —

(a) have due regard to acceptable standards of decency, dignity and good taste;

(b) be based upon fact and not be false, deceptive or misleading;

(c) conform to all laws in Solomon Islands relating to advertising.

(2) The Board may where it is of the view that any advertising referred to in paragraph (1) is unacceptable require in writing the licence holder to either amend or withdraw such advertisement, and the licence holder shall forthwith give effect to the directions of the Board.

(3) Any licence holder who fails or refuses to comply with any direction issued by the Board under paragraph (2) is guilty of an offence under these Regulations and liable to a fine of one hundred dollars.

Powers of inspectors

16. The powers and duties conferred upon inspectors appointed under section 23 of the Act in respect of commercial gaming shall with such modifications and adaptations as may be necessary apply in respect of commercial lotteries and premises used for the conduct of such lotteries.

17. (1) A person shall not —

(a) offer for sale or cause to be sold any ticket or accept or cause to be accepted money in respect of any ticket; or

(b) advertise or cause to be advertised by any means the sale of a ticket,

unless he is a licence holder or an agent.

(2) A person other than a licence holder or agent shall not distribute or display or cause to be published by any means a notice or advertisement that implies or is calculated to imply or is likely to imply —

(a) that he or any other person is a licence holder or an agent; or

(b) that he or any other person is authorised to sell tickets.

(3) Any person who contravenes the provisions of subparagraphs (a) or (b) of subparagraph (2), shall be guilty of an offence and liable on conviction to a fine of one hundred dollars or imprisonment for two months.

(4) A person who with intent to defraud forges, alters or utters a ticket or any paper or instrument purporting to be a ticket commits an offence and is liable on conviction to a fine of one hundred dollars or imprisonment for two months.

SCHEDULE 1

SOLOMON ISLANDS GOVERNMENT

THE GAMING AND LOTTERIES ACT
(Cap. 139)

THE COMMERCIAL LOTTERY (INSTANT LOTTERY) REGULATIONS

Commercial Lotteries (Instant Lottery) Establishment Licence

The Gaming and Lotteries Board of Solomon Islands administering the Gaming and Lotteries Act hereby issue in pursuance of the provisions of the said Act, a Lotteries Establishment Licence to:

.....
(Instant Lottery)

the owner of the commercial lottery referred to in Part A authorising the subject to conduct the type of commercial lottery specified in Part B and under the terms and conditions specified in Part C.

PART A

Name of Commercial Lottery (Instant Lottery)

Offence in
respect of tickets

PART B

The authorised type of commercial lottery are as follows:-

PART C

Terms and Conditions specified are:-

Dated at.....this.....day of.....19.....

CHAIRPERSON
Gaming and Lotteries Board

SCHEDULE 2
(Reg. 4)

SOLOMON ISLANDS GOVERNMENT

THE GAMING AND LOTTERIES ACT
(Cap. 139)

THE COMMERCIAL LOTTERY (INSTANT LOTTERY) REGULATIONS

Fees

Commercial Lottery Establishment Licence	\$10,000.00
Renewal of Licence per annum	\$1,000.00
Replacement of lost or damaged Licence	\$100.00

SCHEDULE 3
(Reg. 13)

SOLOMON ISLANDS GOVERNMENT

THE GAMING AND LOTTERIES ACT
(Cap. 139)

THE COMMERCIAL LOTTERY (INSTANT LOTTERY) REGULATIONS

Monthly Report (Reg. 13)

Name of Commercial Lottery (Instant Lottery).

Number of tickets sold.

Number of tickets redeemed.

.....
Signature of Licence Holder

THE COMMERCIAL LOTTERY (INSTANT LOTTERY) REGULATIONS

THE GAMING AND LOTTERIES
(LEVY) ORDER
(Regulation 5 read with section 6 of the Act)

LN 212/1993

[26th November, 1993]

1. This Order may be cited as the Gaming and Lotteries (Levy) Order.
2. A licence holder shall at the end of each month pay to the Government a levy of 1% on each ticket sold in respect of such month.