

Subsidiary Legislation made under s.19(1).

Government Lotteries Regulations 2006

LN.2006/115

Commencement **26.10.2006**

<i>Amending enactments</i>	<i>Relevant current provisions</i>	<i>Commencement date</i>
LN. 2007/058	rr. 8(2), 9, 10(1), (2)(a), 11-13, 15, 16(2)-(3)	5.4.2007
2020/159	rr. 12(b), 12A, 14, 17	23.4.2020
2020/258	rr. 9, 9A	17.7.2020
2021/154	r. 9A	26.2.2021

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In exercise of the powers conferred upon him by Section 19(1) of the Gambling Act, and all other enabling powers, the Minister responsible for gambling has made the following Regulations—

Title.

1. These Regulations may be cited as the Government Lotteries Regulations 2006.

Public Officer responsible for the operation of Government Lotteries.

2. The Financial Secretary shall be responsible for the operation of Government Lotteries.

Government Lottery Committee.

3.(1) The Minister may appoint a committee, to be called the Government Lottery Committee, consisting of a chairman and not fewer than six other members, who shall advise and assist the Minister in the promotion and conduct of lotteries and exercise and perform the powers and duties conferred and imposed upon them by these Regulations.

(2) At any meeting of the Government Lottery Committee, five shall form a quorum.

Ordinary lotteries.

4. Subject to the provisions of regulation 4, one lottery shall be held for drawing fortnightly on every Tuesday, and such lotteries are hereinafter in these Regulations referred to as ordinary lotteries—

Provided that—

- (a) if the Minister deems it expedient that an ordinary lottery should be drawn on a day other than a Tuesday, he may direct that it shall be drawn on such other day of the same week as he shall specify;
- (b) if it appears to the Minister that any ordinary lottery in respect of which he shall not have issued tickets cannot conveniently be held he may, by notice in the Gazette, direct that such lottery shall not be held.

Special lotteries.

5.(1) In addition to any lottery under these Regulations, or in substitution for any such lottery, there may, if the Minister thinks fit, be held other lotteries (hereinafter in these Regulations called “special lotteries”) not exceeding twelve in any one year, and every such lottery shall be drawn on such day as the Minister may direct.

(2) The price of a ticket issued for sale in respect of a special lottery shall be such sum as the Minister may direct.

(3) Lotteries held under this Regulation shall be subject to such provisions of these Regulations as the Minister shall deem reasonable.

Extraordinary lottery.

6.(1) Without prejudice to regulations 3 and 4, the Minister may authorise an extraordinary lottery to be held on such dates as he may fix.

(2) The price of a ticket issued for sale in respect of the extraordinary lottery referred to in subregulation (1) shall be such sum as the Minister may direct.

(3) Subject to subregulations (1) and (2), these Regulations shall apply in relation to the extraordinary lottery referred to in subregulation (1) in the like manner as they apply in relation to an ordinary lottery.

Division of tickets into shares.

7. Tickets issued for sale in respect of a lottery may be printed in such form as to be divisible into either ten parts or twenty parts, and any such part (hereinafter in these Regulations called a "share") may be sold separately at one-tenth or one-twentieth of the price, as the case may be, at which the whole ticket may be sold.

Notice of draw.

8.(1) Before any lottery is drawn the Minister shall cause to be published in the Gazette and also, if he thinks fit, in any other convenient manner—

- (a) the date and time when and the place where the draw will take place;
- (b) the number of tickets issued by him for sale in respect of the lottery, their price and any other particulars concerning them which he may deem it desirable to publish;
- (c) the number and value of the prizes apportioned to the lottery and the place where and the hours during which payments of prizes may be claimed.

(2) Notwithstanding the provisions of subregulation (1), the Financial Secretary may consolidate in one notification the notice to be given under such paragraph in respect of two

or more lotteries, whenever he is satisfied that the conditions affecting such lotteries (as referred to in subparagraphs (b) and (c) of that subregulation) are substantially the same.

Particulars to be stated in tickets.

9. Subject to regulation 9A, the following particulars shall be set forth in every share of a ticket—

- (a) the date and number or other description of the draw of the lottery for which the ticket is issued;
- (b) the number of the ticket and the number and price of the share;
- (c) the number and value of the prizes apportioned to the lottery for which the ticket is issued;
- (d) the total number of tickets issued in respect of that lottery,

and such other particulars, if any, as the Financial Secretary may direct.

Tickets for postponed draws.

9A.(1) Where a lottery draw under these Regulations has been postponed and tickets have been issued for the draw, the Financial Secretary may direct that the tickets issued for the original draw may be used for the rescheduled draw.

(2) Where a direction is made under subregulation (1) the date on the tickets will be read as the date of the rescheduled draw.

Procedure at draw.

10.(1) Whenever any lottery is drawn there shall be present at the draw at least two members of the Government Lottery Committee, and if, at the time appointed for the draw, there are not that number of members present, the draw shall be postponed until such time, whether on the same or on another day, as the Financial Secretary or any person then present who has been authorised for that purpose by the Financial Secretary, may direct. For the purposes of this regulation only, the Secretary to the Government Lottery Committee or such other officer as may be appointed by the Financial Secretary to act for the Secretary shall be deemed to be a member of the committee.

(2) The members of the Government Lottery Committee present at a draw shall, before the commencement of the draw, appoint one of their number to preside at the draw, and the member so appointed shall—

- (a) put, or cause to be put, in motion the machine or other contrivance approved by the Financial Secretary for drawing the numbers of winning tickets and the prizes thereto;
- (b) declare the numbers of the winning tickets so drawn and the prizes relating thereto, and, in the event of the same five-figure number being drawn more than once at a draw—
 - (i) if the prize relating thereto is the same as the previous prize relating thereto declare the second and subsequent five-figure number null and void; and
 - (ii) in any other cases declare that such number shall retain the higher prize only,

and in both cases, cause to be drawn a further number for the same or lesser prize as the case may be;

- (c) in the event of any breakdown or other difficulty occurring in the operation of the machine or contrivance aforesaid, direct that the drawing of the numbers and prizes as then remain to be drawn shall be postponed until such time as he is satisfied that the draw can be resumed without difficulty;
- (d) make and sign a list of winning numbers and the prizes relating thereto and obtain the signature thereto of at least one of the other members present at the draw.

(3) If, at the time when a draw is postponed under the provisions of subregulation (2)(c), one or more, but not all, of the digits necessary to determine the number of a winning ticket has been drawn, the digits which have been drawn shall be valid in determining the number and shall not be drawn afresh.

(4) The public shall be admitted to the premises upon which the draw of a lottery is conducted so far as may reasonably be practicable having regard to the accommodation available for such purpose.

(5) A person who obstructs or impedes the drawing of a lottery, or creates any disturbance on or near the premises on which a lottery is being or is about to be drawn, is guilty of an offence and is liable, on summary conviction, to imprisonment for two months and to a fine at level 2 on the standard scale.

Result of draw to be published.

11. The Financial Secretary shall cause a list of the prize winning tickets drawn in every lottery and the prize relating thereto signed by at least two members of the Committee present at the draw, to be published, either in the Gazette or in some newspaper circulating in Gibraltar, as soon as he can conveniently do so after the lottery has been drawn.

Payment of prizes.

12. Prizes shall be paid by the Financial Secretary in respect of winning tickets, and shares of tickets, in a lottery in accordance with the following provisions—

- (a) payment shall be claimed by presenting and delivering up the ticket or share in respect of which the claim is made at the place and during the hours appointed for the purpose in the notice published in pursuance of regulation 8;
- (b) subject to regulation 12A, payment shall be claimed within six months after the date of the draw at which the ticket in respect of which or a share of which the claim is made was declared a winning ticket;
- (c) no payment shall be made before the day next following that of the draw at which the prize winning ticket was drawn, or, if that day is a Sunday or public holiday, before the next following day not being a Sunday or a public holiday;
- (d) payment shall be made to the person who presents the ticket or share for payment of the prize or portion of the prize won by that ticket or share, as the case may be, and such payment shall absolutely discharge the Financial Secretary, the Government, its servants and agents in respect of the payment of that prize or that portion of that prize, as the case may be.

Extension of time for claiming prizes.

12A.(1) The Minister may, under exceptional circumstances, by notice in the Gazette extend the time period stated in regulation 12(b).

- (2) A notice issued in accordance with subregulation (1) must state the—
 - (a) draw or draws that the extension applies to;
 - (b) new end date for claiming a prize; and
 - (c) length of the extension

Lost and destroyed tickets and shares.

13. Notwithstanding anything contained in regulation 12, where any ticket or share has been lost or destroyed and such ticket or share is a prize winning ticket or share, then the prize shall be paid in respect of such ticket or share by the Financial Secretary if—

- (i) a statutory declaration to the effect that such ticket or share has been lost or destroyed has been made and lodged with the Financial Secretary before the draw in which such ticket or share won a prize takes place; and
- (ii) no prize has been paid in respect of such ticket or share in the six months next succeeding such draw.

Forfeiture of unclaimed prize.

14. If payment of a prize or portion of a prize is not claimed in the manner and within the period prescribed by regulation 12 or an extension under regulation 12A, and if the number of the ticket in respect of which the prize or portion thereof was payable has been duly published as provided in regulation 11, the proceeds of that prize or portion thereof, as the case may be, shall upon the expiry of the prescribed period be forfeited to Her Majesty and paid into the Consolidated Fund or into a special fund established under section 18 of the Public Finance (Control and Audit) Act .

Defaced, etc., tickets.

15. If, when any ticket or share is presented for payment of a prize or portion of a prize, any number, mark, figure or word which is material for identifying the ticket or share is, in the opinion of the Financial Secretary, illegible or not clearly legible or incomplete or has been obliterated, defaced or removed, he shall not make any payment unless the person claiming payment produces evidence, to the satisfaction of the Financial Secretary, identifying the ticket or share as the ticket or share in respect of which the prize or portion of a prize claimed, as the case may be, is payable.

Agents for sale of tickets.

16.(1) The Minister may appoint one or more agents for the sale of tickets to the public and every such appointment shall, subject to the provisions of these Regulations, be terminable by six months notice on either side.

(2) The appointment of every agent shall be subject to the conditions hereinafter prescribed, and, if any agent fails to observe or comply with any such condition, the Minister may forthwith revoke the appointment, but without prejudice to any liability or penalty which the agent may have incurred by reason of any such failure.

(3) The conditions hereinbefore referred to are as follows—

- (a) the agent shall pay at such times as the Financial Secretary may direct, for all tickets allotted to him in respect of every lottery, whether an ordinary or a special lottery, which is held while the appointment of the agent subsists:

Provided that where tickets are not paid for at the time of issue the Financial Secretary shall require a guarantee, or such other security as he may deem appropriate, for the payment of the sum due in respect of such tickets at such time as the Financial Secretary may direct;

- (b) the number of tickets to be allotted to, and paid for by, the agent shall be such as have been agreed in writing between the Minister and the agent. Tickets allocated to agents are not transferable without the prior approval of the Minister. Where the agent is a company this includes any transfer of the beneficial or legal interest in the shares of that company or of any company having a direct, indirect or ultimate shareholding in that company;
- (c) the sum to be paid by the agent for every ticket allotted to him shall be the sum for which the Financial Secretary has directed the ticket to be sold to the public, less such percentage thereof as has been agreed in writing between the Financial Secretary and the agent;
- (d) the agent may appoint sub-agents for the sale of tickets allotted to the agent, but every such appointment shall be notified to the Financial Secretary within seven days and shall be subject to the approval of the Minister;
- (e) where the agent has not sold all the tickets for which he has paid he shall be entitled to a refund of the sum he paid for such tickets provided that they are returned to the Minister not less than such time before the lottery for which such tickets were sold is drawn as the Financial Secretary may from time to time specify;
- (f) the agent shall allow his sub-agents a commission of not less than fifty per cent of that allowed to the agent under paragraph (c);
- (g) the agent may terminate a sub-agency only after obtaining the prior consent of the Minister and after giving three months notice in writing to the sub-agent.

Commission on prizes paid to agents.

17. If the person to whom the Minister pays any prize or portion of a prize under the provisions of regulation 12, and in the case of an extension of time, regulation 12A, is an agent appointed under regulation 16, the Minister shall, in addition, pay to the agent one per cent of the amount of the prize or portion of the prize, as the case may be.

Street vendors.

18.(1) The Minister may, on payment of an annual fee of £5, grant licences, revocable at any time without cause shown, to such persons and on such terms and conditions as he thinks fit, permitting the licensees to act as vendors.

(2) In this regulation the term “vendor” means any person who hawks, peddles, sells or offers for sale Government lottery tickets in any public place in Gibraltar.

Offences.

19.(1) A person who—

- (a) buys or sells any Government lottery ticket or share thereof at a price exceeding the price authorised by the Minister; or
- (b) sells or offers or exposes for sale in any public place any such ticket or share without the permission of the Minister,

is guilty of an offence and, if the person convicted is an agent appointed under regulation 16 or the sub-agent of such agent, the Minister may forthwith revoke the appointment of the agent.

(2) A person who, being an agent appointed under regulation 16 or the sub-agent of such agent, or the servant of either, buys, receives, takes or accepts from any person any such ticket as aforesaid or share of such ticket, being a ticket which has been declared to be a winning ticket under these Regulations, otherwise than in consideration of a cash payment equal to the full amount of the prize or portion of the prize payable by the Financial Secretary in respect of such ticket or share, as the case may be, is guilty of an offence, and the Minister may forthwith revoke the appointment of the agent.

(3) A person guilty of an offence under the provisions of this regulation is liable, on summary conviction, to imprisonment for three months and to a fine at level 2 on the standard scale.