

CHAPTER 9:02

GAMBLING PREVENTION ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Common gaming house a public nuisance.
4. Offences.
5. Persons playing, or being found, in a common gaming house.
6. Taking part in public lottery.
7. Moneys paid for lottery ticket recoverable.
8. Contract for sale of lottery ticket void.
9. Postmaster General may confiscate lottery tickets and advertisements.
10. Gambling or betting in licensed premises.
11. Using place for gambling or betting without permission of owner.
12. Justice of the peace may issue search warrant.
13. Justice of the peace may issue warrant to search persons.
14. Presumptions as to instruments or appliances for gambling.
15. (1) Presumption as to construction of place.
(2) Duty of superintendent of police as to place.
(3) Effect of notice to owner of place.
16. (1) Demolition of place specially erected or constructed for gambling.
(2) Penalty for non-compliance with order for demolition.
17. Non-production of information.
18. Mode of trial.
19. Director of Public Prosecutions' fiat.
20. Exemption of certain lotteries from provisions of Act.
21. Exemption of Demerara Turf Club, Ltd., from provisions of Act.
22. Constitution of the Sweepstakes (Charity) Committee.
23. Duty of Sweepstakes (Charity) Committee.
24. Duty of charitable organisations to keep accounts.

SECTION

- 25. Power to discontinue payments to charitable organisations.
- 26. Power to make regulations.

1929 Ed.
c. 95
1953 Ed.
c. 21

42 of 1902

An Act for the suppression of Common Gaming Houses and Gambling, and of Lotteries of a public nature, or to which the public has or may have access.

[27TH DECEMBER, 1902]

Short title.

- 1. This Act may be cited as the Gambling Prevention Act.

Interpretation.
[14 of 1969]

- 2. (1) In this Act—

“common gaming house” includes any place kept or used for gambling, to which the public, or any class of the public, has, or may have access, and any place kept for habitual gambling, whether the public, or any class of the public, has, or may have, access thereto or not, and any place kept or used for the purpose of a public lottery;

“gambling” means to play at or engage in any game of chance, or pretended game of chance, for money or money’s worth;

“instruments or appliances for gambling” includes all articles which are used in and for the purpose of gambling or a lottery;

“lottery” includes any game, method, or device 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 within Guyana;

“lottery ticket” includes any paper, figure, writing, symbol, or other article whatsoever, either expressly or tacitly entitling, or purporting to entitle, the holder or any other person to receive

money or money's worth on the happening of an event or a contingency connected with a public lottery;

“place” means any house, office, room, or building, and any place or spot, whether open or enclosed, and includes a ship, boat, or other vessel, whether afloat or not, and any vehicle;

“public lottery” means a lottery to which the public or any class of the public has, or may have, access, and every lottery shall, until the contrary be proved, be deemed to be a public lottery.

(2) A place in which lottery tickets are sold or distributed shall be deemed to be used for the purpose of a public lottery; and a place shall be deemed to be used for a purpose, if it is used for that purpose even on one occasion only.

(3) Everyone who lets to hire a place shall be deemed the owner thereof.

3. Every common gaming house is hereby declared to be a common and public nuisance contrary to law.

Common gaming house a public nuisance.

4. Anyone who—

Offences. [31 of 1940 6 of 1997]

(a) being the owner or occupier, or having the use temporarily or otherwise thereof, keeps, or uses a place as a common gaming house; or

(b) permits a place of which he is owner or occupier, or of which he has the use temporarily or otherwise, to be kept or used by another person as a common gaming house; or

(c) has the care or management, or in any manner assists in the management of a place kept or used as a common gaming house, or assists in carrying on a public lottery; or

(d) receives directly or indirectly any money or money's worth for or in respect of any chance in, or event or contingency connected with, a public lottery, whether held in or out of Guyana, or sells, or offers for sale, or gives, or

LAWS OF GUYANA

delivers, any lottery ticket, including any ticket for any lottery conducted elsewhere than in Guyana; or

(e) draws, throws, declares, or exhibits, expressly or otherwise, the winner, or winning number, ticket, lot, figure, design, symbol, or other result of any public lottery; or

(f) writes, prints, or publishes, or causes to be written, printed or published, any lottery ticket, or list of prizes, or any announcement of the result of a public lottery, or any announcement relating to a public lottery; or

(g) announces or publishes, or causes to be announced or published, either orally or by means of any print, writing, design, sign, or otherwise, that any place is opened, kept, or used as a common gaming house, or in any other manner invites or solicits any person to commit a breach of sections 5 and 6, or either of them; or

(h) advances, furnishes, or receives money for the purpose of establishing or conducting the business of a common gaming house, or for the purpose of a public lottery,

shall be liable to a fine of one hundred and ninety-five thousand dollars or to imprisonment for twelve months.

Persons playing, or being found, in a common gaming house. [6 of 1997]

5. (1) Whosoever plays in a common gaming house, shall be liable to a fine of four thousand eight hundred and seventy-five dollars or to imprisonment for two months.

(2) A person found in a common gaming house, or found escaping therefrom on the occasion of its being entered under this Act, shall be presumed until the contrary be proved to be or to have been playing therein.

Taking part in public lottery. [6 of 1997]

6. (1) Whosoever, either personally, or by an agent pays or deposits any money or money's worth to or with any person concerned in the business of a common gaming house as a stake, or for or in respect of any event or contingency connected with a public lottery, or buys a lottery ticket, shall be liable to a fine of four thousand eight hundred and seventy-five dollars or to imprisonment for two months.

LAWS OF GUYANA

Gambling Prevention

Cap. 9:02

7

(2) A person in whose possession a lottery ticket is found shall be presumed until the contrary be proved to have bought it.

(3) Every lottery ticket in respect of a lottery within Guyana shall be forfeited, and it shall be the duty of any police or rural constable to seize the ticket wherever found.

7. Any money or money's worth paid or deposited for or in respect of any event or contingency aforesaid, or for or in respect of the purchase of a lottery ticket, shall be recoverable as money had and received to or for the use of the person from whom it was received.

Moneys paid for lottery ticket recoverable.

8. Every sale or contract for the sale of a lottery ticket is hereby declared to be void, and no action shall be maintainable by anyone in respect of that sale or contract, except by the purchaser for the return of the money or other consideration (if any) paid therefor.

Contract for sale of lottery ticket void.

9. The Postmaster General from time to time, with the approval of the Minister, may make any regulations he thinks fit for preventing the sending or delivery by post of letters, circulars, advertisements, or tickets, of or concerning any lottery, whether the lottery is conducted or held in or out of Guyana, and whether the letters, circulars, advertisements, or tickets are posted in Guyana, or in any country or place outside Guyana.

Postmaster General may confiscate lottery tickets and advertisements.

10. All persons found at any time gambling or betting, or assembled together for that purpose, in any public place or premises licensed for the sale of spirituous liquors, shall be liable to a fine of four thousand eight hundred and seventy-five dollars or to imprisonment for two months; and any police or rural constable may, on view and without warrant, arrest those persons, and may enter the place for that purpose.

Gambling or betting in licensed premises. [6 of 1997]

11. (1) All persons found using any place for the purpose of gambling or betting without the permission of the owner or occupier thereof, shall be liable to a fine of four thousand eight hundred and seventy-five dollars or to imprisonment for two months; and, in that case, the onus of proving the permission shall lie on the defendants.

Using place for gambling or betting without permission of owner. [6 of 1997]

LAWS OF GUYANA

(2) Any police or rural constable, upon complaint to him by any householder that any place is being used by two or more persons for the purpose of gambling or betting, without the permission of the owner or occupier thereof, may enter therein and arrest all persons then found therein so using the place.

Justice of the peace may issue search warrant.

12. (1) A justice of the peace, on being satisfied upon written information on oath that there is good reason to believe that any place is kept or used as a common gaming house, may by warrant authorise any police constable, with and by any necessary assistance and force, by night or by day, to enter or go to that place, and to search it and all persons found therein, and to seize all instruments and appliances for gambling, and all money, securities for money, and other articles reasonably supposed to have been used, or intended to be used, for any game or lottery, found there or on those persons; and also to detain those persons until they and the place have been searched.

(2) If any of the things or circumstances by this Act made presumptive evidence of guilt are found or exist in the place, or on anyone therein, each of those persons shall be detained in custody until he can be brought or gives bail for his appearance before a magistrate to be dealt with according to law.

(3) All instruments and appliances for gambling, money, securities for money, and other articles found in a common gaming house, or on anyone found therein, or escaping therefrom and which the magistrate is of opinion were used or intended to be used for any game or lottery shall be declared by him to be forfeited.

Justice of the peace may issue warrant to search persons.

13. A justice of the peace, on being satisfied upon information on oath that there is good reason to believe that any instruments or appliances for gaming are likely to be found on any person, may by warrant authorize any police or rural constable to arrest that person, and take him forthwith before any justice, who shall thereupon cause him to be searched in the justice's presence, and if any instrument or appliance is found upon him, he shall be detained in custody until he can be brought, or gives bail for his appearance, before a magistrate to be dealt with according to law.

14. If any instruments or appliances of gambling are found in any place entered under this Act, or upon anyone found therein, or if persons are seen or heard to escape therefrom on the approach or entry of any police or other constable having authority under this Act to enter or go to the place, or if the police or other constable is unlawfully prevented from, or obstructed or delayed in entering or approaching the place or any part thereof, it shall be presumed until the contrary be proved that the place is a common gaming house and is so kept or used by the occupier thereof.

Presumptions as to instruments or appliances for gambling.

15. (1) If, in the case of a place entered under this Act, any passage, staircase, or means of access to any part thereof is unusually narrow, or steep, or otherwise difficult to pass, or any part of the premises is provided with unusual or unusually numerous means for preventing or obstructing an entry, or with unusual contrivances for enabling persons therein to see or ascertain the approach or entry of persons, or for giving the alarm, or for facilitating escape from the premises, it shall be presumed, until the contrary be proved, that the place is a common gaming house and is so kept or used by the occupier thereof.

Presumption as to construction of place.

(2) Whenever it comes to the knowledge of the superintendent of police in charge of any county or district that any place in that county or district is fitted or provided with any of the means or contrivances mentioned in this section, in such a way as to lead to a presumption that the place is used, or intended to be used, for the purposes of a common gaming house, it shall be the duty of the superintendent to cause notice thereof to be served on the owner of the place if he can be found, and if he cannot be found then the notice may be served by being affixed to the principal outer door or any other conspicuous part of the place.

Duty of superintendent of police as to place.

(3) Whenever the notice has been served as aforesaid on the owner, it shall be presumed until the contrary is proved that the place in the notice mentioned is kept or used as a common gaming house with the permission of the owner thereof.

Effect of notice to owner of place.

16. (1) Whenever upon the trial of any offence under this Act, it appears to the magistrate that the place in or in respect of which the offence is alleged to have been committed is a common gaming house and is fitted or provided with any of the means or contrivances

Demolition of place specially erected or constructed for gambling.

mentioned in the last preceding section, he may, if he thinks fit, cause the owner thereof to be summoned before him at a time and place to be mentioned in the summons, to show cause why an order should not be made against the owner for the demolition and destruction of so much of the premises as appears to have been specially erected or constructed for the purpose of facilitating the carrying on of gambling therein.

Penalty for non-compliance with order for demolition.
[6 of 1997]

(2) In default of the owner showing cause to the contrary at the time and place mentioned in the summons, or at the time and place to which the summons is adjourned, the magistrate may order the owner of the premises, within a time to be fixed in the order, to cause to be demolished and destroyed so much thereof as appears to him to have been so specially erected or constructed, and on proof of non-compliance with the order, the owner shall be liable to a fine of four thousand eight hundred and seventy-five dollars or imprisonment for two months, and to a further fine of one thousand nine hundred and fifty dollars or imprisonment for seven days for every day during which the non-compliance continues.

Non-production of information.

17. (1) Except as hereafter in this section mentioned, no information laid under this Act shall be admitted in evidence in any civil or criminal proceeding whatever, and no witness shall be obliged or permitted to disclose the name or address of any informer under this Act, or state any matter which might lead to his discovery.

(2) Moreover, if any books or documents or papers which are in evidence, or liable to inspection in any civil or criminal proceeding whatsoever, contain any entry in which any informer is named or described, or which might lead to his discovery, the court shall cause all those passages to be concealed from view, or to be obliterated so far as may be necessary to protect the informer from discovery, but no farther.

(3) But if, on the trial of any offence under this Act, the magistrate, after full inquiry, believes that the informer wilfully made in his information a material statement which he knew or believed to be false, or did not believe to be true, or if in any other proceeding the

magistrate is of opinion that justice requires the discovery of the informer, he may require the production of the original information, and permit inquiry and require full disclosure concerning the informer.

18. All offences against this Act shall be dealt with under the Summary Jurisdiction Act. Mode of trial.

19. No proceedings shall be taken against anyone for an offence under sections 4, 5 and 6 without the *fiat* of the Director of Public Prosecutions being first obtained. Director of Public Prosecutions' fiat.

20. Nothing in this Act shall apply— Exemption of certain

(a) to any lottery organised with the permission of the Minister and controlled by a committee of three responsible citizens approved by the Minister for the purpose of raising funds— lotteries from provisions of Act.

(i) for the building or repair of any church or school; or [22 of 1941

(ii) in aid of any institution or organization of a philanthropic, charitable, religious, medical or public character approved by the Minister: 14 of 1952

19 of 1955

14 of 1969]

Provided that—

(i) the total value of the lottery ticket issued in respect of such lottery shall not exceed the sum of five thousand dollars or such greater sum as the Minister in any particular case deems meet;

(ii) the expenses of administering the lottery which may be deducted from the gross receipts from the lottery shall only be the cost of stationery used and of printing and advertising done in respect of the lottery; and

(iii) within thirty days after the date on which such lottery is drawn, the committee of three responsible persons approved by the Minister who controlled the lottery shall submit to the Minister a statement of account in connection therewith duly verified by such committee; or

LAWS OF GUYANA

12

Cap. 9:02

Gambling Prevention

(b) to the sale by raffle or lottery of articles exposed for sale at any bazaar or fair held for raising funds in aid of any institution of a philanthropic, charitable or religious character; or

(c) to any sweepstake organised and controlled by any horse racing club or association at, and on the day of, any race meeting held in Guyana under the auspices of that club or association.

Exemption of Demerara Turf Club, Ltd., from provisions of Act. [22 of 1941 9 of 1950 14 of 1952 58 of 1952]

21. (1) Notwithstanding this Act, but subject however to this section, it shall be lawful for the Demerara Turf Club, Limited (hereinafter referred to as “the Club”) to organise and conduct a lottery or sweepstake in connection with any race meeting held under the auspices of the Club or under the auspices of any racing club or association affiliated thereto or in connection with any race run in England under Jockey Club Rules or National Hunt Rules.

(2) The books and accounts of the Club in connection with any lottery or sweepstake shall at all reasonable times be open to the inspection of the Accountant General or any person authorised by him in writing.

(3) Within fourteen days after the date of the draw for any lottery or sweepstake the Club shall submit to the Accountant General a statement of account in connection therewith duly verified by the auditor of the Club.

(4) Within fourteen days after the date of the draw for any lottery or sweepstake there shall be paid by the Club to the Sweepstakes (Charity) Committee, as hereinafter constituted, eight per cent of the gross receipts from that lottery or sweepstake evidenced by a statement of account duly verified by the auditor of the Club:

Provided that the Minister may, by order, vary the percentage to be paid to the Sweepstakes (Charity) Committee under this subsection.

(5) An order made under the proviso to the last preceding subsection shall be laid before the National Assembly.

(6) All apportionments by the Club of prizes to be distributed or allocated whether in the form of money or money's worth in connection with any sweepstake or lottery shall be subject to the approval of the Minister.

22. The Sweepstakes (Charity) Committee shall consist of three persons who shall be appointed by the Minister.

Constitution of the Sweepstakes (Charity) Committee. [22 of 1941]

23. (1) For the purposes of this and the following sections—

“approved charitable organisation” means any charitable organisation to which the Sweepstakes (Charity) Committee made payments under this Act prior to the 31st December, 1947.

Duty of Sweepstakes (Charity) Committee. [33 of 1947]

(2) Subject to section 25(2), the Sweepstakes (Charity) Committee shall distribute among the approved charitable organisations the amounts received in any one year under section 21(4), or the sum of six thousand dollars if the amounts so received exceed that sum, and shall pay to each such organisation the same percentage as was paid to that organisation prior to the 31st December, 1947.

(3) Where the amounts received in any one year under section 21(4), exceed the sum distributable under subsection (2) of this section, the Sweepstakes (Charity) Committee shall—

- (a) set aside from the excess such sum as the Minister may approve, being not less than ten per cent of such excess, to be disbursed for such charitable purpose or purposes (excluding any charitable organisation which derives benefit under this Act) as the Minister may direct; and
- (b) distribute the balance of the excess among such of the approved charitable organisations and such other charitable organisations as the Minister may, in each instance, approve, and shall pay to each such organisation the percentage approved by the Minister.

LAWS OF GUYANA

14

Cap. 9:02

Gambling Prevention

Duty of charitable organisations to keep accounts.
[33 of 1947]

24. Every charitable organisation which derives benefit under this Act shall keep accounts to the satisfaction of the Sweepstakes (Charity) Committee, and shall before the 1st June in every year transmit to the Sweepstakes (Charity) Committee an audited statement of its total receipts and expenditure, including the receipt and expenditure of amounts paid to it by the Sweepstakes (Charity) Committee, for the twelve months ending on the 31st day of the previous December, inclusive.

Power to discontinue payments to charitable organisations.
[33 of 1947]

25. (1) If in the opinion of the Sweepstakes (Charity) Committee a charitable organisation—

- (a) has ceased to operate or ceased to operate as a charitable organisation; or
- (b) is not being properly conducted; or
- (c) is no longer in need of financial assistance,

the Sweepstakes (Charity) Committee may discontinue payment to that organisation.

(2) Where the organisation in respect of which payments are discontinued in accordance with subsection (1) is an approved charitable organisation the sum distributable under section 23(2) shall be reduced by the percentage payable to such organisation.

(3) Any charitable organisation which is dissatisfied with a decision of the Sweepstakes (Charity) Committee under this section may appeal to the Minister.

Power to make regulations.
[33 of 1947]

26. The Minister may make regulations—

- (a) prescribing the accounts to be kept by the Sweepstakes (Charity) Committee and an audit thereof; and
 - (b) prescribing the returns to be rendered by the Sweepstakes (Charity) Committee; and
 - (c) generally for the carrying out of their duties by the Sweepstakes (Charity) Committee.
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