

*To be construed with Ord. 19 of 1920*

## CHAPTER 95.

### GAMBLING PREVENTION.

[No. XLII of 1902.]

[27th December, 1902.]

1. This Ordinance may be cited as the Gambling Prevention Ordinance. Short title.

2.—(1) In this Ordinance, unless the context otherwise requires,— Interpretation.

“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;

“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 the colony;

“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;

“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;

“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;

“ 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.

(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.

Common gaming house a public nuisance.

Offences.

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

4. Anyone who—

- (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 the colony, or sells, or offers for sale, or gives, or delivers, any lottery ticket, including any ticket for any foreign lottery; 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 five and six of this Ordinance, 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 on conviction thereof be liable to a penalty not exceeding one thousand dollars or to imprisonment for a period not exceeding twelve months. Penalty.

5.—(1) Whosoever plays in a common gaming house, shall on conviction thereof be liable to a penalty not exceeding twenty-five dollars or to imprisonment for a period not exceeding two months. Persons playing, or being found, in a common gaming house.

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

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 on conviction thereof be liable to a penalty not exceeding twenty-five dollars or to imprisonment for a period not exceeding two months. Taking part in public lottery.

(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 the colony 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.

Postmaster  
General may  
confiscate  
lottery  
tickets and  
advertise-  
ments.

9. The Postmaster General from time to time, with the approval of the Governor and Legislative Council, 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 the colony, and whether the letters, circulars, advertisements, or tickets are posted in the colony, or in any country or place outside the colony.

Gambling or  
betting in  
licensed  
premises.

Penalty.

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 on conviction thereof be liable to a penalty not exceeding twenty-five dollars or to imprisonment for a period not exceeding 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.

Using place  
for gambling  
or betting  
without  
permission  
of owner.

Penalty.

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 on conviction thereof be liable to a penalty not exceeding twenty-five dollars, or to imprisonment for a period not exceeding two months; and, in that case, the onus of proving the permission shall lie on the defendants.

(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 Ordinance 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.

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 authorise 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.

Justice of the peace may issue warrant to search persons.

14. If any instruments or appliances of gambling are found in any place entered under this Ordinance, 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 Ordinance 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 Ordinance, 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

Presumption as to construction of place.

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.

Duty of inspector of police as to place.

(2) Whenever it comes to the knowledge of the inspector 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 inspector 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.

Effect of notice to owner of 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.

Demolition of place specially erected or constructed for gambling.

16.—(1) Whenever upon the trial of any offence under this Ordinance, 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 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.

(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 penalty not exceeding twenty-five dollars or imprisonment for a period not exceeding two months, and to a

further penalty not exceeding ten dollars or imprisonment for a period not exceeding seven days for every day during which the non-compliance continues.

17.—(1) Except as hereafter in this section mentioned, no information laid under this Ordinance 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 Ordinance, or state any matter which might lead to his discovery.

Non-pro-  
duction of  
information.

(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 Ordinance, 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 Ordinance shall be dealt with under the Summary Jurisdiction Ordinances.

Mode of  
trial.

19. No proceedings shall be taken against anyone for an offence under sections four, five and six of this Ordinance without the fiat of the Attorney General being first obtained.

Attorney  
General's  
fiat.

20.—(1) Nothing in this Ordinance contained shall apply to a lottery or sweepstake organised and controlled by any racing club or association mentioned in the schedule hereto at any race meeting held by any of those clubs or associations.

Exemption  
of racing  
clubs from  
provisions  
of this  
Ordinance ;  
schedule.

(2) The Governor in Council may from time to time by order published in the Gazette declare that any racing club or association shall be added to or expunged from the

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schedule, and thereupon the schedule shall be read and have effect as if the name or names of any club or association so added or expunged had been respectively inserted or not specified therein.

Exemption  
of lotteries  
organised  
with per-  
mission of  
Inspector  
General of  
Police.

21.—(1) Nothing in this Ordinance contained shall apply to any lottery organised with the permission of the Inspector General of Police, or of any other officer nominated by the Governor in Council, and controlled by a committee of three or more responsible citizens ordinarily resident in the colony, for the purpose of raising funds for the building or repair of any church, or in aid of any institution of a public, philanthropic, charitable, or religious character.

Right of  
appeal.

(2) Anyone aggrieved by a refusal of the permission of the Inspector General of Police or other officer nominated by the Governor in Council may appeal to the Governor in Council.

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SCHEDULE.

Bel Air Park Club.  
Berbice Race Club, Limited.  
Corentyne Race Club.  
Essiquebo Turf Club.  
Chelsea Park Race Club.

*D'Urban Race Club*

*(O. in 6) 789 of June 1928 O.S. 30/6/28*

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