

BRIBING AND LOYALTY (AMENDMENT) BILL 1987

(NAME OF BILL)

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(~~Authorisation from Minister of Finance under s.60 of Constitution~~)

FROM: Attorney General's Chambers 10/12/87

✓ FROM: Minister 10/12/87
TO: (for signing Objects & Reasons, Notice of Presentation and covering letter to Clerk)

✓ TO: Minister of Finance
(for signing of letter to Clerk signifying Cabinet approval under s.60 of Constitution)

✓ TO: Clerk to National Parliament 10/12/87
(for certificate by Speaker)

TO: Attorney General's Chambers
(for printing)

TO: Clerk to National Parliament 11/12/87
(for reference during 1st, 2nd and 3rd Readings)
(Date passed 11/12/87 Act No 29/87...)

✓ TO: Attorney General's Chambers 12/3/88
(for checking before Assent)

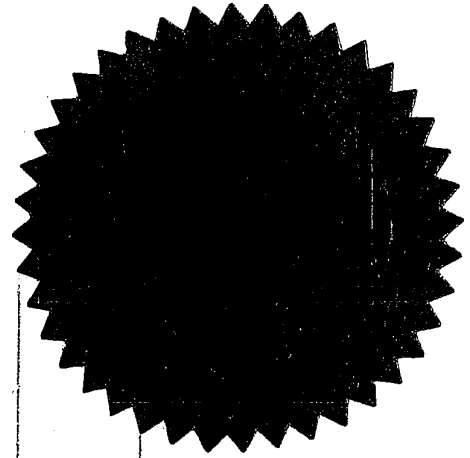
✓ TO: Governor-General 7/4/88
(for Assent)

TO: Clerk to National Parliament
(for distribution: 2 copies Attorney General's Chambers
1 copy Ministry
1 copy Parliament Office
1 copy Registrar of the High Court)



**GAMING AND LOTTERIES
(AMENDMENT) ACT 1987**

(NO. 29 OF 1987)





GAMING AND LOTTERIES (AMENDMENT) ACT 1987

(NO. 29 OF 1987)

Passed by the National Parliament this eleventh day of December 1987.

This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true and correct copy of the said Bill.

J. M. Tuhaika
 J. M. Tuhaika
 Clerk to National Parliament

S. S. S. S.

Assented to in Her Majesty's name and on Her Majesty's behalf this fifth day of April 1988.

B. Devesi
 B. Devesi
 Governor-General

Date of commencement: date of publication in the Gazette.

AN ACT to amend the Gaming and Lotteries Act.

ENACTED by the National Parliament of Solomon Islands.

GAMING AND LOTTERIES (AMENDMENT) ACT 1987

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Amendment of Section 2 of Cap. 32.
3. Amendment of Section 5.
4. Repeal of Section 6 and insertion of new sections 6, 6A, 6B, 6C, 6D, 6E and 6F.
5. Amendment of Section 9.
6. Insertion of new sections 9A and 9B.
7. Insertion of new sections 10A, 10B, 10C, 10D and 10E.

1. This Act may be cited as the Gaming and Lotteries (Amendment) Act 1987.

Short
title.

2. Section 2 of the Gaming and Lotteries Act (hereinafter referred to as the principal Act) is hereby amended in the following respects -

Amendment
of section
2 of Cap.32.

(a) by inserting therein in proper alphabetical sequence the following new definitions -

“Board” means the Board established pursuant to section 10A;

“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 9A, 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;

“inspector” means a person appointed as an inspector under section 10E and includes the Principal Inspector;

“licence” means a licence to operate a lottery granted under section 9A;

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

(b) by adding at the end of the definition of “gaming” the words “and includes commercial gaming”.

3. Section 5 of the principal Act is hereby amended in the following respects -

Amendment
of section 5.

(a) by deleting from paragraph (b) (i) the words “one dollar” and substituting therefor the words “ten dollars”; and

(b) by deleting from paragraph (b) (ii) the words “forty dollars” and substituting therefor the words “one hundred dollars”.

Repeal of
section 6
and
insertion
of new
sections
6, 6A, 6B,
6C, 6D, 6E,
and 6F.

4. Section 6 of the principal Act is hereby repealed and the following new sections substituted therefor -

“Commercial 6. (1) No person shall permit or cause gaming.

commercial gaming to take place in his premises unless he is a holder of a commercial 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 1 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 the 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.

Matters for consideration by the Board.

6A. 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;
- (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.

Special provisions with regard to commercial gaming and commercial lotteries.

6B. 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.

Unlawful
commercial
gaming.

6C. 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.

Unlawful
possession
of instru-
ments of
gaming.

6D. 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.

Forfeiture.

6E. The court before which any person is convicted of an offence under section 6C or 6D 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.

Penalties
for certain
offences.

6F. 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 of six months."

5. Subsection (2) of this section 9 of the principal Act is hereby amended in the following respects -

Amendment
of section
9.

- (a) by deleting paragraph (c) and substituting therefor the following new paragraph -
 - “(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;” and
- (b) by deleting paragraph (g) and substituting therefor the following new paragraph -
 - “(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”; and
- (c) by deleting paragraph (n) thereof.

6. The principal Act is hereby amended by inserting therein next after section 9 the following new sections -

Insertion of
new sections
9A and 9B.

“Commercial 9A. (1) Any person ordinarily resident in lotteries. Solomon Islands may organise a commercial lottery for purposes other than those mentioned in section 8 or 9, 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 2 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 9B a decision of the Board shall be final.

(4) Notwithstanding the provisions of section 7, 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) of this section;
- (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.

Appeal from decision of Board.

9B. (1) Any applicant aggrieved by the decision of the Board may, if dissatisfied with such decision within one month from date of the decision of the Board appeal in writing setting forth the facts to the Minister.

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

Insertion
of new
sections
10A, 10B,
10C, 10D,
and 10E.

7. The principal Act is hereby amended by inserting therein next after section 10 the following new sections -

"Appoint-
of Board.

10A.(1) There is hereby established for the purpose 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 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 a re-appointment 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.
- 10B.(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.

Ministerial directions. 10C. 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.

The Board may give directions. 10D. 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.

Appointment and powers of Inspectors. 10E.(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.

(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 reasonably require.

(5) If any permit holder or other person for the time being having control or management of the premises and 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."

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