

CHAPTER 134**GAMBLING**

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CHAPTER 134

GAMBLING

An Act for the suppression of common gaming houses and lotteries of a public nature.

1917-3.
1960-30.
1964-31.
1974-15.
1977-27.

[9th March, 1917] Commence-
ment.

PART I

Preliminary

1. This Act may be cited as the Gambling Act. Short title.
2. (1) For the purposes of this Act, the expression— Interpreta-
tion.
“common gaming houses” includes— 1960-30.
1977-27.
- (a) any place kept or used for gambling, to which the public or any class of the public has or may have access; and
- (b) any place kept for habitual gambling, whether the public or any class of the public has or may have access thereto or not; and
- (c) any place kept or used for the purpose of a public lottery,
- but does not include a non-proprietary club in which the primary object is that it may be used as an ordinary social club, and where playing at cards is allowed but is merely incidental and ancillary to that primary object;
- “gambling” means to play at any game, whether of skill or 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 1974-15.
1977-27.

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Cap. 60.

depending upon, or to be determined, by chance or lot, held, drawn, exercised or managed in Barbados, but does not include any such game, method or device instituted for a charitable object and for which a licence has been obtained from the Betting and Gaming Committee established under the Betting and Gaming Duties Act nor any such game, method or device instituted by a national organisation declared by the Minister responsible for Sport by order published in the *Official Gazette* to be an approved national organisation;

“lottery ticket” includes any paper, figure, writing, symbol or other article whatsoever, which either expressly or tacitly entitles or purports to entitle the holder or any other person to receive any money or money’s worth on the happening of any event or contingency connected with any 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;

“pool betting” means any bet which by virtue of the provisions of any Act relating to pool betting is deemed for the purposes of that Act to be a bet made by way of pool betting;

“public lottery” means a lottery to which the public or any class of the public has or may have access.

(2) Every lottery shall, until the contrary is proved, be deemed to be a public lottery.

(3) A place in which lottery tickets are sold or distributed shall be deemed to be used for the purpose of a public lottery.

(4) A place shall be deemed to be used for a purpose if it is used for that purpose even on one occasion only.

(5) Every person who demises or lets to hire a place shall be deemed the owner thereof.

PART II

Licences for Lotteries

3-6. *Repealed by 1977-27.*

PART III

Gambling Offences

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

Common gaming house a public nuisance.

8. Any person 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 of 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 or sells or offers for sale or gives or delivers any lottery ticket; 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 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 or kept or used as a common gaming house or in any other manner invites or solicits any person to commit a breach of sections 9 or 10; or
- (h) advances or furnishes money for the purpose of estab-

Offences in relation to common gaming houses and public lotteries.

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lishing 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 fine of nine hundred and sixty dollars or to imprisonment for twelve months.

9. (1) Any person who plays in a common gaming house shall on conviction thereof be liable to a fine of twenty-four dollars or to imprisonment for two months.

Playing in or found in 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 Act shall be presumed, until the contrary is proved, to be or to have been playing therein.

10. (1) Any person who, 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 fine of twenty-four dollars or to imprisonment for two months.

Taking part in public lottery.

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

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

11. Any money or money's worth paid or deposited for or in respect of any such event or contingency as described in subsection (1) of section 10 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 the same was received.

Money paid for lottery ticket recoverable.

12. Every sale or contract for the sale of a lottery ticket is hereby declared to be void, and no action shall be maintainable by any person in respect of any such sale or contract, except by the purchaser for the return of the money or other consideration, if any, paid thereon.

Contract for sale of lottery ticket void.

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Gambling or betting in public place or on licensed premises.

13. (1) All persons found at any time gambling or betting or assembled together for such purpose in any public place or licensed premises shall on conviction be liable to a fine of twenty-four dollars or to imprisonment for two months.

(2) It shall be lawful for any police or parish constable on view without warrant to arrest all such persons and for that purpose to enter such place.

Using place for gambling or betting without permission of owner.

14. (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 be liable to a fine of twenty-four dollars or to imprisonment for two months.

(2) In any such case, the onus of proving such permission shall lie on the defendants.

(3) It shall be lawful for any police or parish constable, upon complaint being made 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, to enter therein and arrest all persons then found therein so using the place.

PART IV

Search and Arrest

Magistrate may issue warrant to search suspected place.

15. (1) A magistrate, on being satisfied upon 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 or parish constable, with such assistance and by such force as may be necessary, by night or by day to enter or go to such place and to search the same 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 which may be found in such place or on any such persons and to detain all such persons until they and the said place have been searched.

(2) Where any of the things or circumstances which are made by this Act presumptive evidence of guilt are found or exist in such place or on any person therein, every such person

shall be detained in custody or held to bail until he can 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 any persons 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.

16. A magistrate, 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 parish constable to arrest such person and to bring him forthwith before a magistrate, who shall thereupon cause such person to be searched in his presence and if any such instrument or appliance be found upon his person, he shall be detained in custody or held to bail until he can be dealt with according to law.

Warrant to arrest and search person.

PART V

Presumptions and Evidence

17. Where—

- (a) any instruments or appliances of gambling are found in any place entered under this Act or upon any person found therein; or
- (b) persons are seen or heard to escape therefrom on the approach or entry of any constable having authority under this Act to enter or to go to such place; or
- (c) any such constable is unlawfully prevented from or obstructed or delayed in entering or approaching the same or any part thereof,

Presumption from instruments, etc., that place is a common gaming house.

it shall be presumed, until the contrary is proved, that the place is a common gaming house and is so kept or used by the occupier thereof.

18. Where in the case of a place entered under this Act—

- (a) any passage, staircase or means of access to any part

Presumption from construction of place.

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thereof is unusually narrow or steep or otherwise difficult to pass; or

(b) any part of the premises is provided with—

(i) unusual or unusually numerous means for preventing or obstructing an entry; or

(ii) 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 is proved, that the place is a common gaming house and is so kept or used by the occupier thereof.

Notice of presumptive common gaming house to be served on owner.

19. (1) Whenever it comes to the knowledge of a sergeant of the Police Force in any district that any place in such district is fitted or provided with any of the means or contrivances mentioned in section 18, in such a way as to lead to a presumption that the place is used or intended to be used for the purpose of a common gaming house, it shall be the duty of such sergeant to cause notice thereof to be served on the owner of such place, if he can be found, and if the owner cannot be found, then the notice may be served by being affixed to the principal outer door or any conspicuous part of the place.

(2) Where notice has been served on the owner under subsection (1), it shall be presumed, until the contrary is proved, that the place in the said notice referred to is kept or used as a common gaming house with the permission of the owner thereof.

No information under Act to be evidence, except in certain cases.

20. (1) Subject to this section, 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) If any books or documents or papers which are in evidence or liable to inspection in any civil or criminal proceedings whatsoever contain any entry in which any informer is named or described or which might lead to his discovery,

the court shall cause all such passages to be concealed from view or to be obliterated so far as may be necessary to protect the informer from discovery but no further.

(3) Where, on the trial of any offence under this Act, the magistrate, after full enquiry, 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 where 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 enquiry and require full disclosure concerning the informer.

21. (1) Where two or more persons are charged with any offence against this Act, the court may require one or more of them to give evidence as a witness or witnesses for the prosecution.

Evidence
by persons
charged.

(2) Any person required to give evidence under subsection (1) who refuses to be sworn or to answer any lawful question shall be dealt with in the same manner as a witness so refusing may by law be dealt with by a magistrate.

(3) Every person required to give evidence under subsection (1) who, in the opinion of the magistrate, makes true and full discovery of all matters as to which he is lawfully examined shall be entitled to receive a certificate of indemnity under the hand of the magistrate, stating that he has made a true and full discovery of all matters as to which he was examined, and such certificate shall be a bar to all legal proceedings against him in respect of all such matters.

PART VI

Legal Proceedings

22. All offences against this Act shall be prosecuted in a summary manner before a magistrate.

Mode of
trial.

23. (1) Where, upon the trial of any charge of an 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

Order for
demolition
of place
specially
constructed
for gambling.

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committed, is a common gaming house and is fitted or provided with any of the means or contrivances mentioned in section 18, he may, if he thinks fit, cause the owner thereof to be summoned before him to show cause why an order should not be made against such 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.

(2) In default of the owner showing cause to the contrary, 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 specially so erected or constructed.

(3) On proof of non-compliance with such order, the owner shall be liable to a fine of twenty-four dollars or to imprisonment for two months and to a further fine of five dollars or to imprisonment for one week for every day during which such non-compliance continues.

Second conviction.

24. Where a person who has been convicted of an offence under section 8 is again convicted of the same or any other offence under that section, the magistrate may, in addition to the punishment provided by that section, order him to give security, for a period not exceeding one year, by one or more sureties that he will not offend against this Act.

Informers to be paid half fine imposed.

25. The magistrate shall order one-half of any fine imposed and levied under this Act to be paid to the informer or informers.

PART VII

Exemptions

Act not to apply to pool betting and certain lotteries.

26. None of the provisions of this Act shall apply to—

- (a) any bet made by way of pool betting; or
- (b) any lottery or sweepstake organised and controlled by the Barbados Turf Club or any Turf Club outside the Island approved by the Minister at or in connection

with any race meeting held under the auspices of such Club; or

- (c) any lottery organised and controlled by the Transport Board established under the Transport Board Act or by any owner of a motor omnibus plying for hire on a highway in connection with tickets issued by such Board or owner, as the case may be, on payment of fares where the money or money's worth to be distributed or allotted does not exceed one hundred dollars. Cap. 297.

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