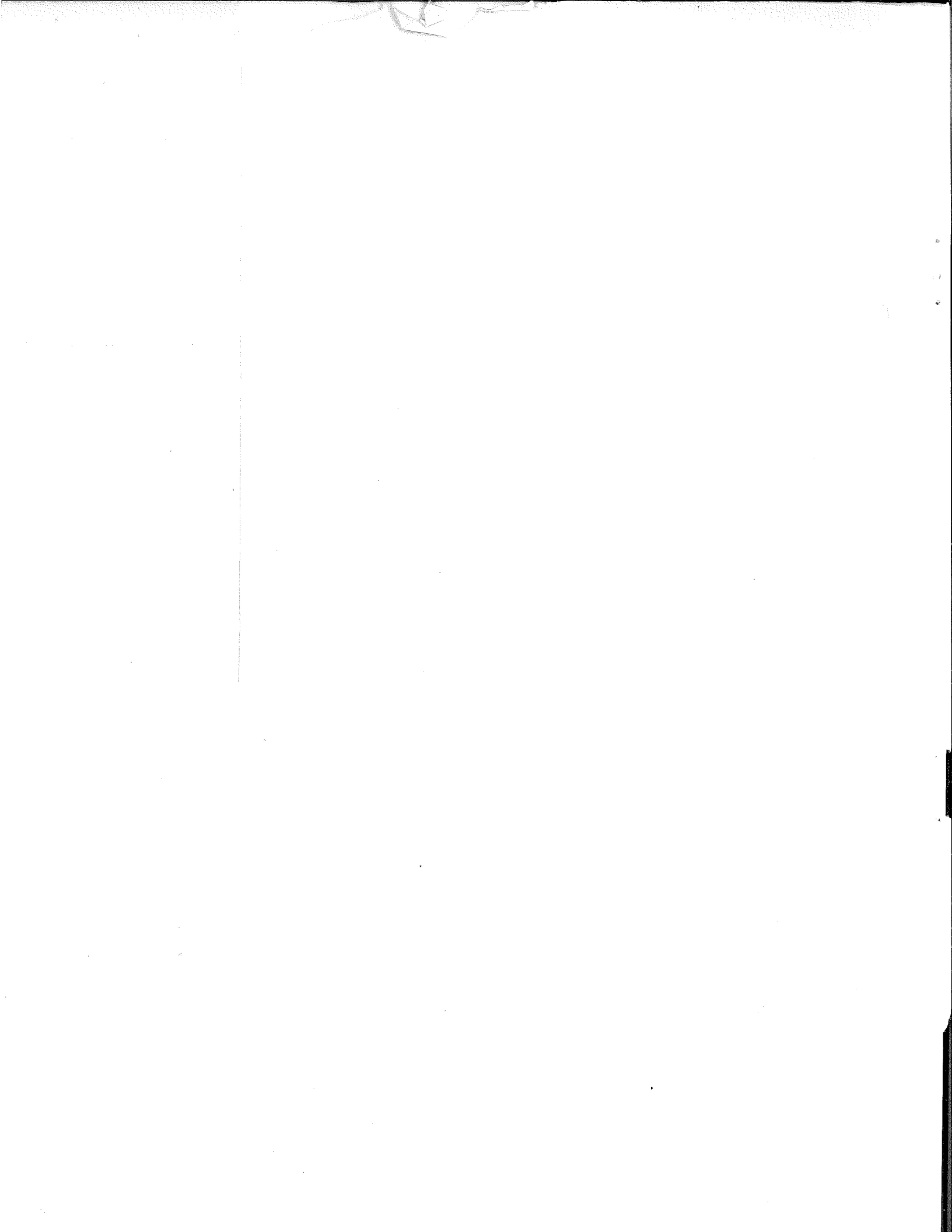


**CHAPTER 60****THE GAMBLING LAW****ARRANGEMENT OF SECTIONS**

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## CHAPTER 60

## THE GAMBLING LAW

Jamaica  
Cap. 137.  
Law  
6 of 1958.

[3rd February, 1899]

1. This Law may be cited as the Gambling Law.

Short title.

2. In this Law—

Inter-  
pretation.

“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; but does not include a club to which the Administrator in Council, subject to such terms and conditions as he thinks fit, grants express exemption;

“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;

“judge” means Judge of the Grand Court.

“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 whether within the Islands, or in any country or place outside the Islands;

“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;

A place in which lottery tickets are sold or distributed shall be deemed to be “used for the purpose of a public lottery”;

A place shall be deemed to be “used” for a purpose, if it is used for that purpose even on one occasion only;

Every person who demises, or lets to hire a place shall be deemed the “owner” thereof.

“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;

“unlawful gaming” includes—

- (1) cock-fighting, whether for a stake or not, and whether practised publicly or privately;
- (2) the act of betting or of playing a game for a stake when practised—
  - (a) in or upon any path, street, road or place to which the public have access, whether as of right or not; or
  - (b) in any premises in respect of which a licence has been granted to distill, manufacture, sell or possess rum or any intoxicating liquor, other than the premises of a club to which the Administrator in Council, subject to such terms and conditions he thinks fit, grants express exemption; or
  - (c) in or at a common gaming house as defined under this Law;

Common gaming house.

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

Offences.

4. Whoever—

- (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, 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 the said sections; or
- (h) advances or furnishes money for the purpose of establishing or conducting the business of a common gaming house, or for the purpose of a public lottery; or
- (i) commits an act of unlawful gaming,

shall on conviction thereof be liable either to a fine not exceeding two hundred pounds, or to be imprisoned, with or without hard labour, for a period not exceeding twelve months.

5. (1) Whoever plays in a common gaming house shall on conviction thereof be liable to a fine not exceeding five pounds, or be imprisoned, with or without hard labour, for a period not exceeding two months.

Persons playing in, 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

Law, shall be presumed, until the contrary be proved, to be, or to have been playing therein.

Penalty for taking part in public lottery.

**6.** (1) Whoever, 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 not exceeding five pounds, or be imprisoned, with or without hard labour, for a period not exceeding two months.

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

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

Moneys paid for lottery ticket recoverable.

**7.** Any money or money's worth paid or deposited for or in respect of any such event or contingency as aforesaid, or for or in respect of the purpose 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.

Contract for sale of lottery ticket void.

**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 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.

Persons found gambling or betting in licensed premises.

**9.** All persons found at any time gambling, or betting, or assembled together for such purpose, in any public place or licensed premises, (other than a club to which the Administrator in Council, subject to such terms and conditions as he thinks fit, grant express exemption) shall, on conviction, be liable to a fine not exceeding five pounds, or to be imprisoned, with or without hard labour, for a period not exceeding two months; and it shall be lawful for any constable on view without warrant to arrest all such persons as aforesaid, and for that purpose to enter such place.

**10.** 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 not exceeding five pounds, or to be imprisoned, with or without hard labour, for a period not exceeding two months; and in any such case, the onus of proving such permission shall lie on the defendants; and it shall be lawful for any 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 using the place as aforesaid.

Persons using place for gambling or betting without permission of owner.

**11.** (1) A Justice, 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 authorize any 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 also to detain all such persons until they and the said place shall have been searched. If any of the things or circumstances which are made by this Law presumptive evidence of guilt are found in such place, or on any person therein, every such person shall be detained in custody until he can be brought, or shall give bail for his appearance before the Grand Court, to be dealt with according to law.

Justice may issue warrant to search place, etc.

(2) 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 Judge is of opinion were used or intended to be used for any game or lottery, shall be declared by him to be forfeited.

**12.** A Justice, 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 constable to arrest such person, and to take him forthwith before any Justice, who shall thereupon cause such person to be searched in his presence, and if any such instrument or appli-

Justice may issue warrant to search persons.

ance be found upon his person, he shall be detained in custody until he can be brought, or shall give bail for his appearance before the Grand Court, to be dealt with according to law.

Presumptions  
as to  
instruments  
or appliances  
for gambling.

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

Presumptions  
as to con-  
struction of  
place.

**14.** (1) If in the case of a place entered under this Law 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 that the same is so kept or used by the occupier thereof.

Duty of  
Police as to  
such place.

(2) Wherever it comes to the knowledge of the Police officer in charge of any district that any place in such 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 such Police officer 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 other conspicuous part of the place.

Effect of  
notice to  
owner of  
place.

**15.** Whenever notice as aforesaid shall have been served as aforesaid on the owner, 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.



16. (1) Whenever upon the trial of any offence under this Law it appears to the Judge that the place in or in respect of which the offence is alleged to have been committed is a common gaming house, and that the same is fitted or provided with any of the means or contrivances mentioned in section 15, 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 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.

Demolition of place specially erected or constructed for gambling.

(2) In default of the owner showing cause to the contrary at the times and place mentioned in the summons, or at the time and place to which such summons may be adjourned, it shall be lawful for the Judge to 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 erected or constructed as aforesaid, and on proof of non-compliance with such order, the owner shall be liable to a fine not exceeding five pounds, or to imprisonment with or without hard labour, for a period not exceeding two months, and to a further fine not exceeding one pound, or to imprisonment for a period not exceeding one week, with or without hard labour, for every day during which such non-compliance continues.

17. Except as hereinafter mentioned, no information laid under this Law 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 Law, or state any matter which might lead to his discovery. 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 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. But if on the trial of any offence under this Law, the Judge, after full enquiry, believes that the informer wilfully made in his information a material statement which he knew or believed to be false, or

Non-production of information.

did not believe to be true, or if in any other proceeding such Judge 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.

Onus of  
proof.

**18.** (1) If any person is found in possession of a lottery ticket as defined in this Law, the onus of proof shall be upon the person in whose possession the same is found to prove the following—

- (a) that the lottery ticket is not in fact a lottery ticket; or
- (b) that the lottery ticket was not bought or obtained in connection with a public lottery or a lottery.

(2) Any person so found in possession of a lottery ticket and failing to prove any of the facts set forth in subsection (1) shall on conviction thereof be liable to a fine not exceeding ten pounds, or to be imprisoned, with or without hard labour, for a term not exceeding three months.

Common  
gaming  
house,  
what  
included in.

**19.** Save as hereinafter provided no house, office, room or other place shall be opened, kept or used for the purpose of any money or valuable thing being received by or on behalf of the owner, occupier or keeper thereof, or any person using the same or any person having the care or management or in any way conducting the business thereof or by or on behalf of any person procured or employed by or acting for or on behalf of such owner, occupier, keeper, or person using, or having the care or management of the business, as or for the consideration for any assurance, undertaking, promise, or agreement, express, implied, or understood, to pay or give thereafter any money or valuable thing on any event or contingency of or relating to any game, pretended game or lottery called or known as Peaka Pow or Drop Pan, or to any game of a similar nature or to any lottery, raffle, game or pretended game of chance, or as or for the consideration for securing the paying or giving by some other person of any money or valuable thing on any such event or contingency as aforesaid, and every house, office, room or other place opened, kept or used for the purposes aforesaid, or any of them, shall be taken and deemed to be a common gaming house within the meaning of this Law.

20. Any person who, being the owner or occupier of any house, office, room or other place, or a person using the same, opens, keeps or uses the same for the purposes hereinbefore in section 19 mentioned, or either of them, and any person who being the owner or occupier of any house, office, room or other place, knowingly and wilfully permits the same to be opened, kept or used by any other person for the purposes aforesaid, or either of them; and any person having the care or management of or in any manner, conducting or assisting in conducting the business of any house, office, room or place opened, kept or used for the purposes aforesaid, or either of them, shall, on conviction thereof, be liable to a fine not exceeding fifty pounds, and in default of payment to be imprisoned for a term not exceeding six months, with or without hard labour.

Penalty for keeping common gaming house.

21. Any person, being the owner or occupier of any house, office, room or place opened, kept or used for the purposes aforesaid, or either of them, or any person acting for or on behalf of any such owner or occupier, or any person having the care or management or in any manner assisting in conducting the business thereof, who receives, directly or indirectly, any money or valuable thing as a deposit on condition of paying any sum of money or other valuable thing on the happening of any event or contingency of or relating to any lottery, raffle or game, or pretended game of chance, or as or for the consideration for any assurance, undertaking, promise or agreement, express, implied or understood, to pay or give thereafter any money or valuable thing on any such event or contingency, and any person giving any acknowledgment, note, security or draft on receipt of any money or valuable thing so paid or given as aforesaid purporting or intended to entitle the bearer or any other person to receive any money or valuable thing on the happening of any such event or contingency as aforesaid shall, on conviction thereof, be liable to a fine not exceeding fifty pounds, and in default of payment to be imprisoned for a term not exceeding three months, with or without hard labour.

Penalty for conducting or taking part in lottery.

22. Save as hereinafter provided—

Offences.

- (a) any one who gives or sells or offers for sale any paper, ticket or token authorizing or for the purpose of enabling or entitling

- any person to receive any money or valuable thing on any event or contingency of or relating to any game, pretended game or lottery called or known as Peaka Pow or Drop Pan or to any game of a similar nature or to any lottery, raffle, game or pretended game of chance;
- (b) any person or persons attending or assembling in any public or private place for the purpose of ascertaining or waiting for the result of any such event or contingency as aforesaid;
- (c) any person who on or under any pretence, device, form, denomination or description whatsoever shall pay or agree or promise to pay any sum or sums of money, or shall deliver or agree or promise to deliver any goods, or shall do or forbear doing or shall agree or promise to do or forbear doing anything for the benefit of any person or persons, whether with or without consideration, on any event or contingency arising upon or relative or applicable to the drawing or choice by chance or otherwise of any ticket or tickets, lot or lots, number or numbers, figure or figures, or on any event or contingency arising upon or relative or applicable to the displaying or declaring of any winning number or numbers, figure or figures, token or tokens, ticket or tickets, lot or lots in any lottery, raffle, game or pretended game of chance, or shall publish any proposal for the purposes aforesaid,

shall, on conviction thereof, be liable to a fine not exceeding twenty pounds, and in default of payment to be imprisoned for a term not exceeding two months, with or without hard labour.

Any constable may arrest without warrant any person whom he finds committing any offence against this section.

In any proceedings for an offence under paragraph (a), the onus of proving that any paper, ticket or token authorizing or for the purpose of enabling or entitling any person to receive any money or valuable thing on any event or contingency of or relating to any game, pretended game or lottery called or known as Peaka Pow or Drop Pan, or any game of a similar nature, or to any lottery, raffle, game or pretended game of chance, is not a paper, ticket, or token within the meaning of paragraph (a) shall be upon the person accused of giving, selling or offering the same for sale.

**23.** The Postmaster may from time to time, with the approval of the Administrator in Council, make such regulations as he thinks fit for preventing the sending or delivery by post of letters, circulars, advertisements or tickets of or concerning any lottery, whether such letters, circulars, advertisements or tickets be posted in the Islands or in any country or place outside the Islands.

Power to make regulations to stop letters, etc., being sent by post.

**24.** No action for damages shall lie in any civil court for any act done by any person purporting to act under the provisions of this Law, unless such act be first proved to have been done with express malice.

Acts done under this Law exempt from actions for damages.

**25.** (1) Whenever two or more persons are charged with any offence against this Law, the Court may require one or more of them to give evidence as a witness or witnesses for the prosecution. Any such person who refuses to be sworn, or to answer any lawful question, shall be dealt with in the same manner as witnesses so refusing may by law be dealt with by a Justice.

Evidence.

(2) Every person so required to give evidence who shall in the opinion of the Judge make true and full discovery of all things to which he is lawfully examined shall be entitled to receive a certificate of indemnity under the hand of the Judge, stating that he has made a true and full discovery of all things as to which he was examined, and such certificate shall be a bar to all legal proceedings against him in respect of all such things as aforesaid.

(3) Any person charged with an offence against this Law may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon may give evidence in the same manner and with the like effect and consequences as any other witness.

**26.** All offences against this Law shall be tried summarily in the Grand Court.

Mode of trial.

**27.** If a person who has been convicted of an offence under section 4 is again convicted of the same or any other offence under that section, the Judge 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

Second conviction.

Cap. 146.

Law, and every such order shall have the like effect and consequences as if the same had been made under the provisions of section 2 of the Recognizances and Sureties of the Peace Law, relating to the procedure in cases for binding persons over to keep the peace or be of good behaviour.

Appropriation of fines.

**28.** The Judge may order any portion, not exceeding one-half, of any fine imposed and levied under this Law, to be paid to the informer or informers.

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