

TRINIDAD AND TOBAGO

No. 15—1923.

I ASSENT,

[L.S.]

S. H. WILSON,
Governor.

12th June, 1923.

AN ORDINANCE to provide for the suppression of
Common Gaming Houses and Public Lotteries.

[12th June, 1923.]

BE it enacted by the Governor of Trinidad and Tobago
with the advice and consent of the Legislative Council
thereof as follows:—

1. This Ordinance may be cited as the Gambling Short title.
Prevention Ordinance, 1923.

2. In this Ordinance, unless the context otherwise Interpreta-
tion.
requires—

The expression "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;

The expression "Gamble" means to play at or to
engage in any game of chance, or pretended

[Price 4d.]

game of chance, for money or money's worth, and the expression "Gambling" shall have a corresponding meaning ;

The expression "Instruments or appliances for gambling" includes all articles which are used in or for the purpose of gambling ;

The expression "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 or used for the purpose of a public lottery : Provided that a place shall be deemed to be "used" for a purpose, if it is used for that purpose even on one occasion only ;

The expression "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 ;

The expression "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 is proved, be deemed to be a public lottery ;

The expression " Lottery ticket" includes any paper, ticket, token or other article whatsoever, which either expressly or tacitly entitles, or purports to entitle, any person to receive any money or money's worth on the happening of any event or contingency connected with any public lottery, or relating to the game, pretended game or lottery called or known as "whé-whé;"

The expression "Owner" means the person for the time being receiving or entitled to receive the rents of any house, building, yard or other place, or his agent, and shall include joint tenants and tenants in common ;

The expression "Occupier" means any person in actual occupation of the whole or any part of any house, building, yard or other place.

3. Every person who—

Offences
relating to
gaming houses

- (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 the owner or occupier, or of which he has the use temporarily or otherwise, to be used as a common gaming house; or
- (c) Has the care or management of, or in any manner assists or is engaged in the management of, a place kept or used as a common gaming house; or
- (d) 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 manner invites or solicits any person to play in a common gaming house; or
- (e) Advances, furnishes or receives money for the purpose of establishing or conducting the business of a common gaming house,

shall be guilty of an offence against this Ordinance, and shall be liable to a penalty not exceeding fifty pounds, or to imprisonment with or without hard labour for any term not exceeding six months.

4. Every person who gambles in any common gaming house shall be guilty of an offence against this Ordinance and shall be liable to a penalty not exceeding ten pounds or to imprisonment with or without hard labour for any term not exceeding three months.

Persons
gambling or
being found in
common
gaming house.

Provided that any person found in a common gaming house, or found escaping therefrom on the occasion of its being entered under the provisions of this Ordinance, shall be presumed, until the contrary is proved, to be or to have been gambling therein.

Gambling in
public place.

5. All persons found at any time gambling or assembled together for such purpose in any public or open place shall be guilty of an offence against this Ordinance and shall be liable to a penalty not exceeding twenty pounds or to imprisonment with or without hard labour for any term not exceeding three months.

Using place
for gambling
without
permission of
owner.

6. Every person found using any place for the purpose of gambling without the permission of the owner or occupier thereof shall be guilty of an offence against this Ordinance and shall be liable to a penalty not exceeding twenty pounds or to imprisonment with or without hard labour for any term not exceeding three months.

Provided that in any such case the onus of proving such permission shall be upon the person alleging the same.

Offences
relating to
lotteries.

7. Every person who—

- (a) Gives, or sells or offers for sale, or delivers any lottery ticket, or pays or 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
- (b) 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
- (c) Writes, prints or publishes, or causes to be written, printed or published, any lottery ticket, or any announcement relating to a public lottery; or
- (d) Advances, furnishes, or receives money for the purpose of a public lottery; or
- (e) In any manner carries on or assists in carrying on, or invites or solicits any person to take part in, a public lottery,

shall be guilty of an offence against this Ordinance and shall be liable to a penalty not exceeding fifty pounds, or to imprisonment with or without hard labour for any term not exceeding six months.

8. Every person who, either personally or by an agent, pays or deposits any money or money's worth to or with any person for or in respect of any event or contingency connected with a public lottery, or who buys a lottery ticket, shall be guilty of an offence against this Ordinance and shall be liable to a penalty not exceeding twenty pounds or to imprisonment with or without hard labour for any term not exceeding three months.

Penalty for taking part in a public lottery.

Provided that any person in whose possession a lottery ticket is found shall be presumed, until the contrary is proved, to have bought the same.

9. Any money or money's worth paid or deposited for or in respect of the purchase of a lottery ticket shall be recoverable as money had and received to the use of the person by whom the same was paid or deposited.

Recovery of money paid for lottery ticket.

10. 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.

11. Any Justice, who is satisfied by proof upon oath that there is reasonable ground for believing that any place is kept or used as a common gaming house, may by warrant authorise any constable, with such assistance and by such force as may be necessary, by night or by day, to enter such place, and to search the same and all persons found therein, and to take into custody all persons, and to seize all instruments and appliances for gambling, and all moneys or securities for money found therein or in the possession of any person escaping therefrom. All such instruments and appliances for gambling shall be destroyed, and all such moneys or securities for money shall be paid to the Treasurer for the use of the Colony.

Issue of search warrant.

Provided that whenever owing to the lateness of the hour or other reasonable cause it shall be inconvenient to obtain a warrant, then it shall be lawful for any commissioned officer of Constabulary or any non-commissioned officer of Constabulary not under the rank of

sergeant, by night or by day without warrant to enter any place which he has reasonable grounds for believing is kept or used as a common gaming house, and any such officer shall upon such entry have the same powers of search, arrest and seizure as may be exercised by a constable duly authorised by warrant under this section ; provided however that no such entry without a warrant shall be made unless such officer is, at the time of entry, in the dress and uniform of the Constabulary Force.

When place
may be pre-
sumed to be
common
gaming house.

12. If any instruments or appliances for gambling are found in any place entered under the provisions of this Ordinance, or upon any person found therein or escaping therefrom, or if any constable or officer duly authorised or empowered as aforesaid is wilfully prevented from, or obstructed or delayed in, entering or approaching the same or any part thereof, it shall be presumed, until the contrary is proved, that such place is a common gaming house, and that the same is so kept or used by the occupier thereof.

Penalty for
obstructing
Police.

13. Every person who wilfully prevents, obstructs or delays any constable or officer duly authorised or empowered as aforesaid from or in entering or approaching any place, or uses any means or contrivance whatsoever for the purpose of preventing, obstructing or delaying the entry of any such constable or officer into such place, shall be guilty of an offence against this Ordinance and shall be liable to a penalty not exceeding twenty pounds or to imprisonment with or without hard labour for any term not exceeding three months.

Procedure.

(9-1918.)

14. All offences under this Ordinance shall be prosecuted, heard and determined before a magistrate, and the procedure in respect of such offences and of all matters incidental to or arising out of the prosecution of such offences shall be such as is laid down in the Summary Conviction Offences (Procedure) Ordinance, 1918.

Saving clause

15.—(1) Nothing in this Ordinance contained shall apply to any lottery or sweepstake organised and controlled by the Trinidad Turf Club, or by any racing club or association affiliated to the Trinidad Turf Club, at any race meeting held under the auspices of any such club or association.

(2) Nothing in this Ordinance contained shall apply to or prevent the sale by raffle or lottery of articles exposed for sale at any bazaar or fancy fair held for raising funds in aid of any institution of a public character, provided that permission for such sale shall have been given in writing by the Governor.

16. Sections 54 to 66 (inclusive) of the Summary ^{Repeal} Convictions (offences) Ordinance, 1921, are hereby repealed.

Passed in Council this twenty-fifth day of May, in the year of Our Lord one thousand nine hundred and twenty-three.

G. D. OWEN,
Clerk of the Council.
