



BELIZE

**LOTTERIES CONTROL ACT
CHAPTER 151**

REVISED EDITION 2000
SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-	Page
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Amendments in force as at 31st December, 2000.	



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CHAPTER 151

LOTTERIES CONTROL

ARRANGEMENT OF SECTIONS

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CHAPTER 151

LOTTERIES CONTROL

[15th April, 1954]

Ch. 169,
 R.L. 1958.
 CAP.118,
 R.E. 1980-1990.
 10 of 1962.
 19 of 1963.
 40 of 1963.
 16 of 1966.
 14 of 1982.
 8 of 1987.
 22 of 1987.
 12 of 1992.
 42 of 1999.
 S.I. 54 of 1993.

PART I

Preliminary

- 1. This Act may be cited as the Lotteries Control Act. Short title.
- 2. In this Act, unless the context otherwise requires:- Interpretation.

“Committee” means the Lotteries Committee established under this Act;

“lottery” means any scheme for distributing prizes by lot or chance but does not include raffles where the value of the article raffled is not more than ten dollars;

“quarter” means any period of three months commencing on the first day of January, April, July or October;

“ticket” includes, in relation to any lottery or proposed lottery, any document evidencing the claim of a person to participate in the chances of a lottery.

PART II

Control of Lotteries

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| <p>Lotteries without licence unlawful.</p> | <p>3.-(1) No person shall promote, hold or conduct any lottery unless he obtains a licence so to do in accordance with this Act and in such manner and in compliance with such conditions as may be prescribed by the Committee.</p> |
| <p>16 of 1966.</p> | <p>(2) No person shall in any way assist in promoting, holding or conducting a lottery, by sale or printing of tickets or by advertisement, or by any other means whatever unless and until he has been appointed as an agent of the person licensed to promote, hold or conduct such lottery and such appointment has been notified to and registered with the Commissioner of Police and the Committee and has not been revoked.</p> |
| <p>Establishment and constitution of Committee.</p> <p>12 of 1992.</p> | <p>(3) Any person who contravenes any of the provisions of subsection (1) or (2) commits an offence.</p> <p>4.-(1) There shall be established for the purposes of this Act a Committee called the “Lotteries Committee” consisting of the Auditor General, the Permanent Secretary to the Ministry for the time being responsible for lotteries control, and four other members.</p> |
| <p>10 of 1962.</p> <p>8 of 1987.</p> | <p>(2) The other members shall be appointed by, and hold office during the pleasure of, the Minister.</p> |
| <p>12 of 1992.</p> | <p>(3) The Chairman of the Committee shall be the Permanent Secretary to</p> |

the Ministry for the time being responsible for lotteries control, and in his absence, the member elected by the majority of members present at a meeting shall act as Chairman of the Committee at that meeting.

(4) Four members of the Committee shall form a quorum and each member shall have one vote only, except that in the case of an equality of votes the Chairman of that meeting shall have a second or casting vote. 8 of 1987.

(5) There shall be a secretary, appointed by the Minister, to the Committee who may issue under his hand licences approved by the Committee. 16 of 1966.

(6) Any application for a licence and all other matters connected with any application shall, other than in the Belize District, be made to the Committee through the District Accountant for the district in which the applicant resides. 14 of 1982.¹
12 of 1992.

5.-(1) The duties and powers of the Committee shall be to control and regulate the promotion, holding and conduct of lotteries in Belize and for that purpose the Committee shall have power- Functions of the Committee.

- (a) to grant written licence to a person to promote, hold or conduct a lottery in such manner and in such place and subject to such conditions as may be prescribed by the Committee;
- (b) to make regulations for the following purposes-
 - (i) prescribing the method or procedure whereby money or money's worth is to be distributed or allotted in any lottery;

¹The function of the former district officer has been transferred to the "appropriate officer" as defined in section 12 (2) of the District Officers (Abolition of Office)(Miscellaneous Amendments) Act No. 14 of 1982.

- (iii) prescribing the form and contents of the application for a licence to conduct a lottery, of lottery tickets and of any other document connected with a lottery;
- (iv) determining what proportion of the total sum of money derived from the sale of tickets in a lottery should be appropriated to the payment of the prize or prizes;
- (v) controlling and regulating all matters connected with lotteries licensed under this Act;
- (vi) prescribing the manner in which disputes between holders of lottery tickets and sellers of lottery tickets shall be determined.

40 of 1963.

(2) Regulations made by the Committee under this Act shall not come into operation until they have been approved by the Minister.

Application for licence to hold a lottery.

6.-(1) Every person who intends to promote, hold or conduct a lottery shall, before taking any steps for that purpose, apply to the Committee for a licence to do so.

(2) Subject to the provisions of this Act, the Committee may grant to any fit and proper person-

- (a) a licence to promote, hold, and conduct a specific lottery;
or
- (ii) prescribing the conditions to be observed by persons on the sale or disposal of lottery tickets and the liability of any such persons;

- (b) a licence to promote, hold, and conduct lotteries during the space of any one quarter, half year or a year; or
- (c) with the prior approval of the Minister, an exclusive licence to promote, hold and conduct lotteries, or any specific type of lottery, during any period not exceeding one year. 16 of 1966.
- (3) A licence to promote, hold or conduct a lottery or lotteries shall not be granted to any person who-
- (a) is under the age of eighteen years; or 12 of 1992.
- (b) has been convicted in a court of law in the five years immediately preceding the date of his application of any offence involving dishonesty, or is of known bad character; or 16 of 1966.
- (c) in the opinion of the Committee is for good reason an undesirable person, the Committee stating the reason for its opinion at the time of refusing the licence.
- (4) Any person who is aggrieved by the refusal of the Committee to grant him a licence to promote, hold or conduct a lottery may appeal from such refusal to the Minister whose decision shall be final. 40 of 1963.
- (5) Every lottery licensed under this Act other than a lottery in respect of which a half year or an annual licence has been granted, shall be concluded within ninety days from the date of the grant of such licence. 16 of 1966.
- 7.-(1) Upon application to promote, hold or conduct a lottery, the applicant shall pay to the Committee in respect of- Fees payable. S.I. 54 of 1993.
- (a) a licence for a specific lottery or for a games' evening during the course of which one or more games of chance will be operated, a fee of five dollars;

- (b) a licence for promoting, holding or conducting a lottery during-
- (i) a quarter, thirteen dollars;
 - (ii) a half year period, twenty-two dollars and fifty cents;
 - (iii) a year, forty dollars;
- S.I. 54 of 1993. (c)¹ the exclusive right to promote, hold or conduct lotteries of any specific type of lottery during-
- (i) a quarter, three hundred and seventy-five dollars;
 - (ii) a half year period, seven hundred and fifty dollars;
 - (iii) a year, one thousand five hundred dollars.

(2) An annual licence shall commence on 1st April in any year and shall expire on 31st March in the following year.

(3) Where the Committee has, by regulation, provided that applications for licences must be submitted a certain time before the licence is to come into force, the Committee may in its discretion consider any application submitted after that date upon payment of a further fee of five dollars.

(4) The fees received by the Committee under subsections (1) and (3) shall be paid to the credit of the Consolidated Revenue Fund:

¹ These fees came into force on the 1st day of April, 1993 by virtue of Statutory Instrument 54 of 1993.

Provided that where any application is refused any fee which has been paid under subsection (1) shall be refunded to the applicant.

(5) The fees payable under this section may be varied by Order of the Minister published in the *Gazette*.

8.-(1) Subject to the provisions of section 9 (3), there shall be raised, levied and collected a tax equal to one-thirtieth of the amount to be paid for every ticket to be sold in a lottery by the person or persons to whom a licence is granted to promote, hold or conduct the lottery: Lottery tax.

Provided that where a person is granted an exclusive licence to promote, hold, and conduct lotteries during a specific period he may commute tax payable under this section for such a lump sum or sums as may, on the recommendation of the Committee, be approved by the Minister:

Provided further that for any games' evening in respect of which a licence is granted the person to whom the licence is granted shall pay a tax of ten dollars. 17 of 1963.

(2) Tickets in a lottery issued or allotted to agents, sellers or other persons in consideration of services given for the disposal of tickets by sale shall for the purposes of this section be deemed to be tickets to be sold.

(3) Where it is not possible to determine the number of tickets to be sold in a lottery, or where the tickets are not sold but are given away with purchases or otherwise, the tax payable in respect of such a lottery shall be one thirtieth of the value of the prizes offered. This value shall be determined by the Committee in such manner as it thinks fit, including reference to the invoices or other documents, if any, relating to the prizes. 19 of 1963.

(4) The tax shall be under the management of the Accountant General who shall collect, receive and account for the same in accordance with such directions as may be issued by the Financial Secretary.

16 of 1966. (5) The Committee shall pay all sums of money received or recovered as tax to the credit of “The Official Charities Fund” at the Treasury and all expenditure incidental to the functions of the Committee in the control and regulation of lotteries shall be met from such Fund.

16 of 1966.

(6) All tax due and payable shall be recoverable as a debt due to the Crown from the person liable to pay the same and where the aggregate amount of the tax payable by the person to whom a licence had been granted for a lottery is less than two hundred and fifty dollars, that aggregate tax may, without prejudice to any other mode of recovery thereof, be recovered by the Committee from that person in a district court as a civil debt.

Chances of winning prize or prizes to be shown on ticket.
16 of 1966.

9.-(1) Subject to the provisions of subsection (2), no ticket in a lottery shall carry more than one chance of winning a particular prize or the chance of winning more than one particular prize.

(2) The Committee may make regulations to provide that in any particular lottery or type of lottery a ticket may bear more than one chance of winning a particular prize or the chance of winning more than one particular prize.

(3) Where in exercise of the powers conferred by subsection (2) the Committee has by regulation provided that a ticket may, in a particular lottery or type of lottery, carry more than one chance of winning a particular prize or the chance of winning more than one particular prize, for the purpose of levying the appropriate tax under section 8, the amount to be paid for the tickets to be sold shall be calculated as if only one chance were available on such ticket.

Security for performance of obligation in respect of lottery.
16 of 1966.

10.-(1) Every person to whom a licence is granted under the provisions of section 6 (2) shall, for the performance by him of every obligation of whatever kind in connection with the lottery or lotteries, make a cash deposit or enter into a bond in favour of the Committee in such sum as the Committee shall require.

(2) Every such bond shall be given with such number of sureties as the

Committee may require in any particular case.

(3) In case a person to whom such a licence is granted fails to pay any prize money, tax or other sum due by him in connection with the lottery or to perform any other obligation which he is bound to perform, the Committee may deduct from the cash deposit made by such person or may sue for and recover from that person or his sureties such sum of money as may be sufficient for the purpose of satisfying the debt or obligation due in respect of the lottery.

PART III

Offences and Penalties

11.-(1) Every person who, in respect of any lottery for which a licence has not been granted under this Act, or in respect of any lottery which has been licensed but for which he is not registered and approved as an agent-

Offences in connection with lotteries. 16 of 1966.

- (a) prints any ticket for use in Belize; or
- (b) sells or distributes, or offers or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution, any tickets or chances in the lottery; or
- (c) prints, publishes or distributes, or has in his possession for the purpose of publication or distribution-
 - (i) any advertisement of the lottery; or
 - (ii) any list (whether complete or not) of prize winners or winning tickets in the lottery; or
 - (iii) any such matter descriptive of the drawing or intended drawing of the lottery, or otherwise relating to the lottery, as is calculated to act as an inducement

to persons to participate in that lottery or in other lotteries; or

- (d) buys or sells or has in his possession any paper, ticket, list, printed matter, document or book relating to such a lottery; or
- (e) brings or invites any person to send into Belize, for the purpose of sale or distribution, any ticket in, or advertisement of, the lottery; or
- (f) sends or attempts to send out of Belize any money or valuable thing received in respect of the sale or distribution, or the identity of the holder, of any ticket or chance in the lottery; or
- (g) uses any premises, or causes or knowingly permits any premises to be used, for purposes connected with the promotion or conduct of the lottery; or
- (h) causes, procures or attempts to procure any person to do any of the acts mentioned in this subsection,

commits an offence.

(2) Any tickets, lists, papers, printed matter or documents whatsoever found in the possession of any person suspected of having committed an offence under this section shall be brought before the court, and the court may order any such tickets, lists, papers, printed matter or documents to be destroyed or otherwise disposed of.

(3) In subsection (2), “court” means a Court of Summary Jurisdiction.

Onus of proof.

12. If any person is found in possession of any ticket, list, paper, printed matter, document or book purporting or appearing to relate to a lottery, the

onus shall be upon such person to prove-

- (a) that the ticket, list, paper, printed matter, document or book does not relate to an illegal lottery; or
- (b) that the ticket, list, paper, printed matter, document or book relates to a lottery for which a licence has been granted under this Act.

13.-(1) Every person licensed under this Act to hold, conduct or promote a lottery who employs any other person to assist him in any way other than an agent appointed under and in accordance with the provisions of any regulations made by the Committee commits an offence.

Only appointed agents may assist promoters. 16 of 1966.

(2) Where any person is found selling tickets or in any other way assisting in the promotion, holding or conducting of a lottery which has been licensed, he shall be deemed to have been employed to so act by the person to whom a licence to hold such lottery was granted unless such licence holder shall prove otherwise.

14. Every person who gives, sells or offers for sale to any person under the age of sixteen years any paper, ticket or token authorising, 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 lottery commits an offence and shall be liable to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months, or to both such fine and term of imprisonment.

Person under sixteen years not to be given, sold or offered for sale any paper or ticket relating to a lottery.

15. No person shall hold, conduct or promote any lottery on Good Friday or Christmas Day and every person so doing commits an offence and shall be liable to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months, or to both such fine and term of imprisonment.

No lottery to be conducted on Good Friday or Christmas Day.

16. Where a person convicted of any offence under this Act is a body corporate, every person who at the date of the commission of the offence was

Offences by bodies corporate.

a director or officer of the body corporate shall also be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge.

Offences punishable on summary conviction.
CAP. 98
CAP. 99.

17. All proceedings for offences under this Act shall, unless where it is otherwise provided, be taken under and in accordance with the Summary Jurisdiction Acts.

PART IV

General

Lottery licence may be revoked.

18. A licence granted under the provisions of this Act may be revoked at any time by the Committee without compensation for breach of any condition stated in the licence.

Exemption of certain lotteries. 10 of 1962.

19.-(1) Nothing contained in this Act shall apply to any lottery promoted, conducted or organised as an incident of or in connection with an entertainment for any charitable or deserving object for which a licence has been obtained from the Committee.

(2) The entertainments to which this section applies are bazaars, sales of work, fancy fairs, fetes and other entertainments of a similar character.

(3) The grant of a licence under the provisions of this section shall-

- (a) authorise the promoter to sell lottery tickets for a period not exceeding ninety days before the entertainment in respect of which it is granted takes place, and
- (b) authorise children under the age of sixteen to sell lottery tickets in connection therewith.

(4) Licences issued under the provisions of this section shall be free of

charge.

20.-(1) No objection to any contract, bill of exchange, cheque, promissory note or other transaction of any kind relating to any lottery licensed under this Act shall be taken or allowed in any court of law on the ground that such contract, bill of exchange, cheque, promissory note or other transaction is under any law in force in Belize directly or indirectly tainted with illegality or is against public policy.

Money paid in lottery recoverable.

(2) Any person to whom prize money or money's worth of any kind becomes due and payable from any lottery licensed under this Act may recover the same from the person liable to pay and shall be entitled to bring any proceedings necessary to recover such prize money or money's worth.

(3) Any person who has paid any money as the value of any ticket or chance in any lottery may recover the same from the person who was licensed to conduct the lottery in case the lottery is not completed or there is failure of consideration otherwise.

21.-(1) Any Justice of the Peace, if satisfied by information on oath that there is reasonable ground to suspect that any premises are being used for the purpose of the commission of an offence under this Act in connection with a lottery or proposed lottery, may grant a warrant under his hand authorising any police officer at any time or times within one month from the date thereof to enter, if necessary by force, the said premises and every part thereof, and to search for, seize and remove any documents, money or valuable thing therein which he has reasonable ground to suppose are on those premises for any purpose which constitutes an infringement of any provision of this Act.

Power to issue search warrant.

(2) The court before which a person is proved to have committed any offence under this Act in relation to a lottery or proposed lottery shall order to be forfeited any coins, bank-notes and currency notes produced to the court which are shown to the satisfaction of the court to represent the price of tickets

or chances, or prize money, or prizes in the lottery, and shall order to be destroyed all documents (other than bank-notes and currency notes) produced to the court which are shown to the satisfaction of the court to relate to the promotion or conduct of the lottery.

Power to arrest.
42 of 1999.

22. Any member of the police department may arrest without a warrant any person whom he reasonably suspects to be in possession of any ticket, list, paper, printed matter, document or book in respect of a lottery for which a licence has not been granted under this Act and take him forthwith before a justice of the peace who shall thereupon cause such person to be searched in his presence.

Offences by
sellers.
10 of 1962.

23.-(1) Every seller of lottery tickets shall deliver to the person from whom he has received the lottery ticket books, not later than fifteen minutes before the time set for the drawing of any lottery, all the lottery ticket books together with all remaining unsold tickets and all monies for tickets sold. Every such seller who fails or neglects to comply with any of the provisions of this subsection commits an offence against this Act.

12 of 1992.

(2) Where such a seller is convicted of an offence under the provisions of this section, the court may order that the seller makes full compensation, to any person conducting a lottery who is injured by the commission of the offence and who has had to pay prize money to the holder of any ticket from the book delivered to such seller.

CAP. 99.

(3) Any sum ordered to be paid as compensation shall be levied upon the goods and chattels of such seller in accordance with the provisions of section 100 of the Summary Jurisdiction (Procedure) Act, and the court may, in its discretion, instead of issuing a distress warrant, order the seller, on non-payment of the sum, to be imprisoned for any term not exceeding the term prescribed under section 100 of the Summary Jurisdiction (Procedure) Act.

CAP. 99.

(4) For the purposes of this section, the word “seller” means an agent of a person licensed to promote, hold and conduct a lottery under this Act and

whose appointment has been notified in writing to the Committee and the Commissioner of Police.

24. A police officer or other person authorised by the Lotteries Committee to do any transaction with any lottery ticket or any document purporting to be a lottery ticket for the purpose of obtaining evidence for any prosecution in any court of law for the commission of any offence under this Act or the regulations made thereunder shall not be deemed to be an accomplice, and the evidence of such person shall be valid and effectual for all purposes and such person shall be a competent witness to give evidence before the court that hears the case. Any such court shall admit in evidence the testimony of such a witness. Such a person shall not be deemed to have committed any offence by so doing the transactions.

A person engaged in obtaining evidence for prosecution not an accomplice. 8 of 1987.

25. Save as otherwise provided by this Act, any person convicted of any offence under this Act or any Regulations made thereunder shall be liable on summary conviction, for the first or second offence, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding two years, or to both; and shall, for the third or subsequent offence, shall be tried on indictment and shall be liable to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding five years, or to both such fine and term of imprisonment.

Offences and penalties.