

# REPRINT

## **GAMING AND LOTTERIES ACT (CAP. 139)**

**As in force at: 31 October 2006**

**STATUS: HISTORICAL**

This version is that in force at the date stated above. It does not include amendments made since that date.

For list of amendments see Endnotes

**AN ACT TO AMEND THE LAW WITH RESPECT TO GAMING AND LOTTERIES AND TO MAKE PROVISION FOR MATTERS RELATED THERETO.**

## **GAMING AND LOTTERIES ACT (CAP. 139)**

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# GAMING AND LOTTERIES ACT (Cap. 139)

As in force at: 31 October 2006

## 1 Short title

This Act may be cited as the *Gaming and Lotteries Act*.

## 2 Interpretation

In this Act, unless the context otherwise requires:

**“approved person”** means a person who is a member of a club housed in a hotel complex; and

**“Board”** means the Board established pursuant to section 19;

**“casino”** means the areas of a hotel casino complex identified in the permit as the areas of the casino, and includes a private members only club housed in the hotel complex;

**“commercial gaming”** means the playing of any game of chance whether played by any gaming machine or otherwise in a casino;

**“commercial lottery”** means lotteries approved by the Board pursuant to section 16, 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;

**“game of chance”** includes a game of chance and skill combined and a pretended game of chance or of chance and skill combined, but does not include any athletic game or sport;

**“gaming”** means the playing of a game of chance for winnings in money or money’s worth and includes commercial gaming;

**“gaming machine”** means a machine for playing a game of chance, being a game which requires no action by any player other than the actuation or manipulation of the machine;

**“inspector”** means a person appointed as an inspector under section 23 and includes the Principal Inspector;

**“licence”** means a licence to operate a lottery granted under section 16;

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

**“player”** in relation to a game of chance, includes any person taking part in the game against whom other persons taking part in the game stake, play, or bet;

**“premises”** includes any place or vessel;

**“society”** includes a club, institution, organisation or association of persons, by whatever name called, and any separate branch or section of such a club, institution, organisation or association and each local or affiliated branch or section of a society shall be regarded as a separate and distinct society.

### **3 General provisions as to gaming**

- (1) Subject to the provisions of this Act, any gaming shall be lawful if, but only if, it is conducted in accordance with the following conditions, that is to say:
  - (a) that either:
    - (i) the chances in the game are equally favourable to all the players; or
    - (ii) the gaming is so conducted that the chances therein are equally favourable to all the players; and
  - (b) that no money or money's worth which any of the players puts down as stakes, or pays by way of losses, or exchanges for tokens used in playing the game, is disposed of otherwise than by payment to a player as winnings; and
  - (c) that no other payment in money or money's worth is required for a person to take part in the gaming.

(2) If in any proceedings under this section evidence is adduced that gaming took place on any premises and either:

- (a) that the game was, or was a variant of or of a, similar nature to, a game which is capable of being played in accordance with the ordinary rules thereof in such a manner that the chances therein are not equally favourable to all the players, and that ten or more persons were present at the gaming; or
- (b) that a payment of money or money's worth was required in order to obtain access to the premises,

then, subject to subsection (7), it shall be held that the gaming was unlawful gaming unless it is proved that the gaming was conducted in accordance with the conditions set out in subsection (1).

(3) Subject to the provisions of this Act, no gaming shall take place at which any person under the age of eighteen years is included among the players, except where both the following conditions are satisfied, that is to say:

- (a) that the gaming takes place in a private dwelling-house or in the presence of a parent or guardian of that person; and
- (b) that any such person taking part in the gaming does so with the permission, whether general or special, of a parent or guardian of that person.

(4) If any gaming takes place on any premises:

- (a) which is by virtue of subsection (1), or is held in pursuance of subsection (2) to have been, unlawful gaming; or
- (b) which contravenes subsection (3),

any person concerned in the organisation or management of the gaming, and any other person who, knowing or having reasonable cause to suspect that unlawful gaming or gaming in contravention of subsection (3) would take place on those premises:

- (i) allowed the premises to be used for the purposes of gaming; or

- (ii) let the premises, or otherwise made the premises available, to any person by whom an offence in connection with the gaming has been committed,

shall be guilty of an offence; and for the purposes of this subsection any person who took part in procuring the assembly of the players shall be deemed to have been concerned in the organisation of the gaming.

- (5) Any person who is present at any gaming such as is mentioned in paragraphs (a) or (b) of the last foregoing subsection for the purposes of taking part therein shall be guilty of an offence and shall be liable on summary conviction to a fine of one hundred dollars:

Provided that, for the purposes of any proceedings under this subsection in respect of gaming such as is mentioned in the said paragraph (a), paragraph (c) of subsection (1) shall be deemed to be omitted if the person charged proves that he was not required to make, or to undertake to make, any payment such as is mentioned in the said paragraph (c) and that he neither knew nor had reasonable cause to suspect that any other person was so required.

- (6) For the purposes of the last foregoing subsection, proof that any person was present at any gaming shall be evidence that he was present for the purpose of taking therein unless he proves that he was present neither for that purpose nor for any of the following purposes, that is to say, taking part in the management of the gaming, operating any instrument or other thing whatsoever used in connection with the gaming, or making bets with respect to the gaming.
- (7) In any proceedings under this section, gaming shall be held to have been conducted in accordance with the condition set out in paragraph (c) of subsection (1) if it is proved:
  - (a) that the gaming was carried on as an activity of a club; and
  - (b) that, apart from any annual subscription for membership of the club, the only other payment required for a person to take part in the gaming was a fixed sum of money determined before the gaming began; and

- (c) that no person took part in the gaming who was not either:
    - (i) a member of the club in pursuance of an application or nomination for membership made more than twenty-four hours before the gaming began; or
    - (ii) a *bona fide* guest of such a member; and
  - (d) that the club is so constituted and conducted, both as regards membership and otherwise, as not to be of a merely temporary character.
- (8) In any proceedings in respect of a contravention of subsection (3) in the case of any gaming, it shall be a defence to prove that the person charged neither knew nor had reasonable cause to suspect that any of the players was under the age of eighteen years.

#### **4 Gaming in public places**

- (1) Subject to the provisions of sections 5 and 18 if any person takes part in gaming in any street or in any other place to which, whether on payment or otherwise, the public have access, he shall be guilty of an offence and shall be liable on summary conviction to a fine of one hundred dollars.
- (2) Any police officer may arrest without warrant anyone whom he finds in any street or in any such place as aforesaid and whom he suspects, with reasonable cause, to be committing an offence under this section.
- (3) In this section:
  - (a) the expression “**street**” includes any bridge, road, lane, footway, subway, square, court, alley or passage, whether a thoroughfare or not, which is for the time being open to the public; and
  - (b) the doorway and entrances of premises abutting upon, and any ground adjoining, and open to, a street shall be treated as forming part of the street.

## **5 Saving for entertainments not held for private gain**

Where gaming, other than gaming which is incidental to an amusement to which section 18 applies, is carried on at any entertainment promoted for raising money to be applied for purposes other than private gain, then, in relation to that gaming:

- (a) so much of section 4 as relates to gaming in a public place other than a street shall not apply; and
- (b) section 3 shall have effect as if for the condition set out in paragraph (c) of subsection (1) thereof there were substituted the following conditions:
  - (i) not more than one payment (whether by way of entrance fee or stake or otherwise) is made by each player in respect of all games played at the entertainment, or at any entertainments promoted by the same person on the same premises on any day, and no such payment exceeds ten dollars;
  - (ii) not more than one distribution of prizes or awards is made in respect of all games played at the entertainment, and the total value of all prizes and awards distributed in respect of such games does not exceed one hundred dollars;
  - (iii) the whole of the proceeds of such payments as are mentioned in sub-paragraph (i) of this paragraph, after deducting sums lawfully appropriated on account of expenses or for the provision of prizes or awards in respect of games, are applied for purposes other than purposes of private gain;
  - (iv) the amount of the said proceeds appropriated in respect of expenses does not exceed the reasonable cost of the facilities provided for the purposes of the games.

## **6 Commercial gaming**

- (1) Commercial gaming shall only be permitted in areas of a hotel-casino complex identified in a permit issued by the Board.



- (2) No person shall permit or cause commercial gaming to take place in any premises unless such person is a holder of a permit issued by the Board.
- (3) No person other than foreign or overseas guests or visitors to Solomon Islands or approved persons have a right to enter, remain or participate in commercial gaming.
- (4) An application for a permit shall be made to the Board in the form set out in Schedule 1 to the Act.
- (5) Where a permit is issued pursuant to subsection (2) authorizing the holder to operate any form of commercial gaming, the Board may in the permit prescribe any terms and conditions as it thinks fit.
- (6) 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, including gaming machines to be permitted;
  - (b) the manner in which an inspector may carry out inspection of premises and gaming machines;
  - (c) the manner in which commercial gaming shall be carried out, including hours of operation, gaming equipment and playing of games;
  - (d) the manner in which the premises is to be maintained, its layout, 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) accounting procedures and the making, keeping and examination of accounts, records and returns by any person in relation to the operation of commercial gaming;
  - (h) procedures for the payment and recording of winnings associated with any games, where such winnings are paid by cash or cheque;

- (i) procedures for cashing and recording of cheque transactions;
  - (j) the exemption in whole or in part from stamp duty of transactions in connection with commercial gaming;
  - (k) fees, levies or other charges;
  - (l) the form and manner in which a register of staff and other persons employed in a casino is to be maintained; and
  - (m) such other provisions as may be required for giving effect to the requirements of this Act.
- (7) The provisions of section 3 shall not apply to commercial gaming.
- (8) Notwithstanding the provisions of subsections (1) and (3), the Minister may on the recommendation of the Board, may by order published in the *Gazette*, grant holders of commercial gaming permits such further period as may be necessary to comply with requirements of subsection (1).

## **7 Matters for consideration by the Board**

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.

**8 Special provisions with regard to commercial gaming and commercial lotteries**

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.

**9 Unlawful commercial gaming**

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.

**10 Unlawful possession of instruments of gaming**

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.

**11 Forfeiture**

The court before which any person is convicted of an offence under sections 9 or 10 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.

## **12 Penalties for certain offences**

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 for six months.

## **13 Illegality of lotteries**

- (1) Subject to the provisions of subsection (5) and of the next two succeeding sections all lotteries are unlawful.
- (2) Every person who in Solomon Islands in connection with any lottery promoted or proposed to be promoted within Solomon Islands or elsewhere:
  - (a) prints any tickets for use in the lottery; 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 the 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) brings, or invites any person to send into Solomon Islands for the purpose of sale or distribution any ticket in, or advertisement of, the lottery; or
  - (e) sends or attempts to send out of Solomon Islands any money or valuable thing received in respect of the sale or distribution, or any document recording the sale or distribution, or the identity of the holder, of any ticket or chance in the lottery; or

- (f) uses any premises, or causes or knowingly permits any premises to be used, for the purposes connected with the promotion or conduct of the lottery; or
- (g) causes, procures or attempts to procure any person to do any of the above-mentioned acts,

shall be guilty of an offence.

- (3) In any proceedings instituted under the preceding subsection it shall be a defence to prove that the lottery to which the proceedings relate was such a lottery as is declared by either one of the next two succeeding sections not to be an unlawful lottery, and that at the date of the alleged offence the defendant believed, and had reasonable grounds for believing, that none of the conditions required by that section to be observed in connection with the promotion and conduct of the lottery had been broken.
- (4) Proceedings under sub-paragraph (iii) of paragraph (c) of subsection (2) in respect of any matter published in a newspaper shall not be instituted except with the consent of the Director of Public Prosecutions
- (5) Nothing in this section shall make unlawful any gaming conducted in such circumstances that no offence under sections 3, 4, 5 or 18 is committed and in any proceedings instituted under subsection (2) it shall be a defence to prove that the lottery to which the proceedings relate was also a game of chance and that at the time of the alleged offence the person charged believed, and had reasonable grounds for believing, that it was being conducted as aforesaid.

#### **14 Exemption of small lotteries incidental to certain entertainments**

- (1) A lottery promoted, with the prior consent in writing of the Provincial Secretary of the Province in which such lottery is to take place, as an incident to an entertainment to which this section applies, shall be deemed not to be an unlawful lottery, but the conditions specified in the next succeeding subsection shall be observed in connection with the promotion and conduct of the lottery, and if any of these conditions is broken, every person concerned in the promotion or conduct of the lottery shall be guilty of an offence unless he proves

that the offence was committed without his knowledge.

- (2) The conditions referred to in the preceding subsection are that:
- (a) the whole proceeds of the entertainment (including the proceeds of the lottery) after deducting:
    - (i) the expenses of the entertainment, excluding expenses incurred in connection with the lottery; and
    - (ii) the expenses incurred in printing tickets in the lottery; and
    - (iii) such sum (if any) not exceeding five thousand dollars as the promoters of the lottery think fit to appropriate on account of any expenses incurred by them in purchasing prizes in the lottery,shall be devoted to purposes other than private gain;
  - (b) none of the prizes in the lottery shall be money prizes;
  - (c) tickets or chances in the lottery shall not be sold or issued nor shall the result of the lottery be declared, except on the premises on which the entertainment takes place and during the progress of the entertainment; and
  - (d) the facilities afforded for participating in lotteries shall not be the only, or the only substantial, inducement to persons to attend the entertainment.
- (3) The entertainments to which this section applies are bazaars, sales of work, fetes, dinners, dances, sporting or athletic events and other entertainments of a similar character, whether limited to one day or extending over two or more days.

## **15 Exemption of small lotteries organised by certain societies**

- (1) This section applies to any lottery which is promoted in Solomon Islands, with the prior consent in writing of the Provincial Secretary of the Province in which such lottery is promoted, by a society established and conducted wholly or mainly for one or more of the following purposes:

- (a) charitable purposes;
- (b) participation in or support of athletic sports or games or cultural activities;
- (c) purposes not described in the foregoing paragraphs and not being purposes of private gain or purposes of any commercial undertaking,

and is so promoted for raising money to be applied for purposes of the society.

- (2) A lottery to which this section applies shall be deemed not to be an unlawful lottery, but the following conditions shall be observed in connection with the promotion and conduct of the lottery:
  - (a) the promoter of the lottery shall be a member of the society and shall be authorised in writing by the governing body of the society to act as such promoter;
  - (b) no remuneration shall be paid in respect of the lottery to the promoter or any person employed by him in connection therewith who carries on or is in any way engaged in any betting business;
  - (c) no prize shall exceed half a million dollars in amount or value and no ticket or chance shall be sold at a price exceeding one hundred dollars;
  - (d) the whole proceeds, after deducting sums lawfully appropriated on account of expenses or for the provision of prizes, shall be applied to purposes of the society, being purposes described in paragraphs (a), (b) or (c) of subsection (1);
  - (e) the amount of the proceeds appropriated on account of expenses shall not exceed the expenses actually incurred, or ten per centum of the whole proceeds, whichever is the less, and the amount of the proceeds appropriated for the provision of prizes shall not exceed one-half of the whole proceeds;
  - (f) the price of every ticket or chance shall be the same, and the price of any ticket shall be stated on the ticket;

- (g) the total value of the tickets or chances sold shall not exceed half a million 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 half a million dollars;
- (h) no written notice or advertisement of the lottery shall be exhibited, published or distributed except as follows:
  - (i) a notice or advertisement exhibited on the premises of the society, or published or distributed exclusively to members of the society;
  - (ii) such notice or advertisement as may be contained in the tickets, if any;
- (i) every ticket and every notice or advertisement of the lottery lawfully exhibited, distributed or published, shall specify the name of the society, the name and address of the promoter and the date on which the draw, determination or event, by or by reference to which the prize winners are ascertained, will take place;
- (j) no ticket shall be sent through the post to a person not being a member of the society;
- (k) no person shall be admitted to participate in the lottery in respect of a ticket or chance except after the payment to the promoter of the whole price of the ticket or chance, and no money received by the promoter for or on account of a ticket or chance shall in any circumstances be returned;
- (l) no payment on account of expenses or prizes shall be made out of moneys of the society not being proceeds of the lottery; and
- (m) no ticket or chance shall be sold by or to a person under sixteen years of age.

(3) If any condition required by subsection (2) to be observed in respect



of a lottery is contravened, the promoter of the lottery and any other person who is a party to the contravention shall be guilty of an offence:

Provided that:

- (a) it shall be a defence for a person charged with any offence only by reason of his being the promoter to prove that the contravention took place without his knowledge;
  - (b) it shall be a defence for any person charged with an offence in respect of an appropriation or payment made in contravention of paragraph (e) or paragraph (l) of subsection (2) to prove that the proceeds of the lottery fell short of the sum reasonably estimated, the appropriation or payment was made in respect of expenses actually incurred or in order to fulfil an unconditional undertaking as to prizes given in connection with the sale of the relevant tickets or chances and that the total amounts appropriated or paid in respect of expenses and prizes did not exceed the amounts which could have been lawfully appropriated out of the proceeds of the lottery under the said paragraph (e) if the said proceeds had amounted to the sum reasonably estimated.
- (4) For the purposes of this section tickets or chances in a lottery shall be deemed to be on sale on each day between the dates on which such tickets or chances are first and last offered for sale, whether or not any such ticket or chance is sold on that day.

## **16 Commercial lotteries**

- (1) Any person ordinarily resident in Solomon Islands may organise a commercial lottery for purposes other than those mentioned in sections 14 or 15, 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 II 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 17 a decision of the Board shall be final.

- (4) Notwithstanding the provisions of section 13, 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);
  - (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.

## **17 Appeal from decision of Board**

- (1) Any applicant aggrieved by the decision of the Board may, if dissatisfied with such decision within one month from the 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.

## **18 Provision of amusements with prizes at certain entertainments**

- (1) The provisions of this section shall have effect for the purpose of permitting the provision at any entertainment to which section 14 applies of amusements with prizes but in relation to any such amusement the conditions set out in the next following subsection shall be observed, and if either of those conditions is contravened every person concerned in the provision or conduct of that amusement shall be guilty of an offence unless he proves that the

contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

- (2) The conditions referred to in the foregoing subsection are:
- (a) that the whole proceeds of the entertainment (including the proceeds of any amusements to which this section applies) after deducting:
    - (i) the expenses of the entertainment, including any expenses incurred in connection with any such amusements and the provision of prizes thereat; and
    - (ii) any other amounts authorised to be deducted by paragraph (a) of subsection (2) of section 14,shall be devoted to purposes other than private gain; and
  - (b) that the opportunity to win prizes at amusements to which this section applies, or that opportunity together with the facilities offered by virtue of section 14 for participating in a lottery, is not the only, or the only substantial, inducement to persons to attend the entertainment.
- (3) In so far as gaming is incidental to any amusement at any entertainment to which this section applies, so much of section 4 as relates to gaming in a public place other than a street shall not apply to such gaming.

## **19 Appointment of Gaming and Lotteries Board**

- (1) There is hereby established for the purposes 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 the 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

reappointment 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.

## **20 Functions of the Board**

- (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.
- (3) Notwithstanding the provisions of paragraph (a) of subsection (2),

the Board shall not in respect of the city of Honiara grant commercial gaming permits in excess of two.

**21 Ministerial directions**

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.

**22 Board may give directions**

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.

**23 Appointment and powers of inspectors**

- (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 reasonable require.
- (5) If any permit holder or other person for the time being having control

or management of the premises or 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.

## **24 Enforcement and penalties**

- (1) If a Magistrate is satisfied on information on oath that there is reasonable ground for suspecting that an offence under this Act is being, or has been or is about to be committed on any premises, he may issue a warrant in writing authorising any police officer to enter those premises, if necessary by force, at any time within fourteen days from the time of the issue of the warrant, and search them; and any police officer who enters the premises may:
  - (a) seize and remove any document, money or valuable thing, instrument or other thing whatsoever found on the premises which he has reasonable cause to believe may be required as

evidence for the purposes of proceedings in respect of any such offence; and

- (b) arrest and search any person found on the premises whom he has reasonable cause to believe to be committing or to have committed any such offence.
- (2) A person guilty of an offence under subsection (4) of section 3 shall be liable:
  - (a) on summary conviction, to a fine of two hundred dollars or, in the case of a second or any subsequent conviction for an offence under the same provision, to imprisonment for three months or to a fine of four hundred dollars or to both; or
  - (b) on conviction upon trial before a Judge, to a fine of one thousand dollars or, in the case of a second or any subsequent conviction for an offence under the same provision, to imprisonment for one year or to a fine of one thousand five hundred dollars or to both.
- (3) A person guilty of an offence under any provision of this Act not mentioned in the last foregoing subsection, being a provision which does not provide a special penalty, shall be liable:
  - (a) on summary conviction, to a fine of one hundred dollars or, in the case of a second or subsequent conviction for an offence under the same provision, to imprisonment for two months or to a fine of two hundred dollars or to both; or
  - (b) on conviction upon trial before a Judge, to a fine of six hundred dollars or, in the case of a second or any subsequent conviction for an offence under the same provision, to imprisonment for six months or to a fine of one thousand dollars or to both.
- (4) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary or similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

In this subsection, the expression “**director**” in relation to a body corporate established by or under any enactment, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

- (5) The court by or before which any person is convicted of any offence under this Act may order anything produced to the court and shown to the satisfaction of the court to relate to the offence to be forfeited and either destroyed or dealt with in such manner as the court may order.



## **SCHEDULE I**

*(Section 6)*

### **Application for Commercial Gaming Permit**

- (1) Name of applicant.
- (2) Address.
- (3) The address of the premises to which the permit is to apply.
- (4) I attach hereto the following particulars as required by law.

Date:..... Signature of  
applicant:.....

## **SCHEDULE II**

*(Section 16)*

### **Application for Commercial Lottery Licence**

- (1) Name of applicant.
- (2) Address.
- (3) The address of the premises to which the permit is to apply.
- (4) I attach hereto the following particulars as required by law.

Date:..... Signature of  
applicant:.....

## ENDNOTES

### 1

#### KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

#### NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 139 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act from that date to 31 October 2006.

### 2

#### LIST OF LEGISLATION

##### ***Gaming and Lotteries Act (Cap. 139)***

<i>Constituent legislation:</i>	1 of 1961 (Commenced 24 June 1961)
	6 of 1967
	LN 46A of 1978
	LN 88 of 1978
	16 of 1982
	29 of 1987
	17 of 1988

##### ***Gaming and Lotteries (Amendment) Act 2004 (No. 9 of 2004)***

Assent date	12 January 2005
Gazetted	7 February 2005*
Commenced	7 February 2005*

*[\*Note: The date of publication in the Gazette and the Commencement date have been validated by s4 of the Constitution (Amendment and Validation) Act 2023 and s37 of the Legislation Amendment, Repeal and Validation Act 2023]*

##### ***Gaming and Lotteries (Amendment) Act 2006 (No. 2 of 2006)***

Assent date	30 October 2006
Gazetted	31 October 2006
Commenced	31 October 2006

### **3**

### **LIST OF AMENDMENTS**

s 2	amd by Act No. 9 of 2004
s 6	sub by Act No. 9 of 2004; amd by Act No. 2 of 2006
s 14	amd by Act No. 9 of 2004
s 15	amd by Act No. 9 of 2004
s 20	amd by Act No. 9 of 2004