



ANALYSIS

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2007, No. 26

An Act to amend the Gaming Act by establishing classes of raffles

(7 September 2007)

BE IT ENACTED by the Parliament of the Cook Islands in Session assembled, and by the authority of the same, as follows:

1. Short Title - (1) This Act may be cited as the Gaming Amendment Act 2007 and shall be read together with and deemed part of the Gaming Act 1967 (“the principal Act”).

2. Establishing or conducting lottery an offence - Section 15 of the principal Act is amended by deleting the words “four hundred dollars” and substituting the words “\$2,000”.

3. Permits and licences to dispose of property by lottery - The principal Act is amended by repealing section 16 and substituting the following new section -

“16. Permits to dispose of property by lottery - (1) Where any person or body of persons (whether incorporated or not) desires to dispose of any real or personal property by raffle or chance (in this section “a raffle”) for purposes other than private gain of that person or, as the case may be of any member of that body of persons, and -

- (a) the total value of the proposed ticket sales does not exceed \$10,000; and

- (b) the total value of intended prizes does not exceed \$10,000;

the Commissioner of Police or a senior Police officer to whom the Commissioner has delegated the function, may if he thinks fit on application made in writing by or on behalf of that person or body of persons grant a permit authorising the disposal of the property by raffle or chance for such purposes, and upon and subject to such terms and conditions, as the person granting the permit may for the protection of the general public, thinks fit.

(2) Where any person or body of persons (whether incorporated or not) desires to dispose of any real or personal property by raffle or chance for purposes other than private gain of that person or, as the case may be of any member of that body of persons, and -

- (a) the total value of the proposed ticket sales exceeds \$10,000 but does not exceed \$50,000; and
 (b) the total value of intended prizes exceeds \$10,000 but does not exceed \$50,000;

the Commissioner of Police or a senior Police officer to whom the Commissioner has delegated the function, may if he thinks fit on application made in writing by or on behalf of that person or body of persons grant a permit authorising the disposal of the property by raffle or chance for such purposes and upon and subject to such terms and conditions as the person granting the permit may, for the protection of the general public, thinks fit.

(3) Where any person or body of persons (whether incorporated or not) desires to dispose of any real or personal property by raffle or chance for purposes other than private gain of that person or, as the case may be of any member of that body of persons, and -

- (a) the total value of the proposed ticket sales exceeds \$50,000; and
 (b) the total value of intended prizes exceeds \$50,000,

the Minister following consultation with the Commissioner of Police may if he thinks fit on application made in writing by or on behalf of that person or body of persons grant a permit authorising the disposal of the property by raffle or chance for such purposes and upon and subject to such terms and conditions as the person granting the permit may in the public interest thinks fit.

(4) The terms and conditions to which the issue of a permit under this section may, without limiting the discretion of the person issuing the permit, include conditions -

- (a) requiring the payment of a bond or surety with provision for its forfeiture to the Crown in the event that the permit-holder breaches any provision of this Act or of any permit issued hereunder, or if the permit-holder is convicted of an offence involving dishonesty in relation to the raffle (in which event the bond or surety shall be paid to such person or persons as may be directed by the Court);
 (b) specifying the date by which the raffle must be drawn;

- (c) requiring the keeping of financial and sales records by a person or firm approved by the person issuing the permit and the independent audit at the permit-holder's expense of such records;
 - (d) specifying the property or limiting the amount of money that shall constitute any individual prize and the total value of prizes in the raffle;
 - (e) the purpose or purposes that the proceeds of raffle sales after payment of the prize or prizes, must be applied to.
- (5) The person issuing the permit may on application being made by the holder of a permit extend the time by which a raffle must be drawn, provided that no such extension shall exceed 60 days.
- (6) Notwithstanding anything in this section -
- (a) no permit shall be issued for the purpose of a family reunion; and
 - (b) no permit shall be issued to any school or school committee or other governing body without the prior approval of the Secretary of the Ministry of Education."
- (7) Regulations may prescribe -
- (a) additional conditions that may be imposed upon the issue of a permit under this section; and
 - (b) the criteria by which an application for a permit shall be assessed.
4. Power to exempt - The principal Act is amended by repealing section 25A.
5. Savings - Nothing in this Act shall apply to any disposal of property by raffle or chance in respect of which a permit has been issued prior to the coming into force of this Act.

This Act is administered by the Police Department