

THE REPUBLIC OF KIRIBATI  
(No. 6 of 1988)

I assent,

*M. Tabua*  
Beretitenti.

9/4 1988

Cap. 36

AN ACT TO PROVIDE FOR THE CONDUCT AND CONTROL OF  
LOTTERIES, GAMES OF CHANCE, PRIZE COMPETITIONS  
AND CERTAIN OTHER FORMS OF GAMBLING AND TO REPEAL  
THE GAMING AND LOTTERIES ORDINANCE AND FOR  
CONNECTED PURPOSES.

Commencement:

9/6/ 1988

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

PART I  
PRELIMINARY

Short title and  
commencement

- 1(1) This Act may be cited as the Gaming and Lotteries Act 1988.  
(2) This Act shall come into force on such date as the Minister may by notice appoint.

Interpretation

2. In this Act unless the context otherwise requires -

"authorised purpose" means any charitable purpose or any other purpose in support of the promotion and development of sports, games or culture in Kiribati or any other purpose of similar nature;

"bookmaker" means a person who -

- (a) carries on the business of receiving or negotiating bets or laying odds; or  
(b) by way of business offers to bet on any particular event or class of events with more than one person and bookmaking has a corresponding meaning.

"bingo" means a game of chance in which -

- (a) numbers selected at random are called out;  
(b) the players mark or cover numbers on their individual cards; and  
(c) the winner is the first person to both mark or cover the numbers called out as referred to in paragraph (a) of the definition and signifies publicly that he has done so and includes houma, tombola and any other variety of game which is played in a similar fashion;

"game of chance" means a game -

- (a) in respect of which direct or indirect consideration is paid to participate;
- (b) that is played with a view to winning money or money's worth; and
- (c) the outcome of which depends wholly or partly on chance but does not include any sporting event, game, lottery or prize competition;

"gaming machine" means a machine for playing a game of chance being a game which requires no action by any player other than the activation or manipulation of the machine;

"lottery" means a scheme in respect of which direct or indirect consideration is paid to participate and by which money or money's worth is disposed of by lot or otherwise wholly by chance and includes a raffle, a sweepstake and every other similar scheme;

"occupier" in relation to any premises means the person entitled to occupy the premises and includes -

- (a) the owner of the premises;
- (b) a person who at any material time acts as or as if he were the occupier of the premises; or
- (c) a person who at any material time is involved in the care management or control of the premises;

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

"premises" means a building, office, room or place (whether enclosed or not) and includes a vehicle, vessel or aircraft;

"prize competition" means a scheme or competition in respect of which direct or indirect consideration is paid to participate and of which the result is determined partly by a considerable element of chance and partly by the performance by the contestants of some activity of a kind that may be performed more readily by contestants possessing some knowledge or skill;

"public place" means every place to which members of the public are entitled or permitted to have access with or without the payment of any fee or other consideration and includes a street or road;

"registered society" means a society registered under this Act;

"sales promotion scheme" means any prize competition -

- (a) promoted by the manufacturer or retailer of any goods or services for the purpose of promoting the sale of these goods and services;
- (b) in respect of which the right to enter is dependent on the purchase at a price not exceeding the usual retail price of any such goods or services within a specified period;
- (c) in respect of which no other direct or indirect consideration is paid to participate; and
- (d) in respect of which no property or class of property specified in an Order for the time being in force under section 23 of this Act is disposed of as a prize or is disposed of as consideration for participating;

"society" means any association of persons or local or affiliated branch of any such association that is established and conducted for any purpose other than a commercial one;

"ticket" includes in a case where no ticket or any other thing is issued to a participant the right to participate itself.

PART II  
LOTTERIES

Illegal  
lotteries

3. Subject to section 5, section 6, section 18, section 21 and section 23 of this Act all lotteries are illegal.

Offences relating  
to illegal  
lottery

4. Any person who in any manner whatsoever knowingly -
- (a) organises, promotes, manages or conducts an illegal lottery;
  - (b) assists in the organisation, promotion, management or conduct of an illegal lottery;
  - (c) makes a direct or indirect pecuniary gain (otherwise than by way of winning a prize) from an illegal lottery that he would not otherwise have made;
  - (d) causes or permits any premises of which he is the owner or occupier to be used for an illegal lottery;
  - (e) buys a ticket in an illegal lottery;
  - (f) participates in an illegal lottery;
  - (g) present on premises where an illegal lottery is being played or drawn as the case may be; or
  - (h) offers or gives credit or money or money's worth to enable any person to participate in an illegal lottery,

commits an offence and shall be liable upon conviction to a fine not exceeding \$1000 or imprisonment for a term not exceeding 12 months.

Society may  
conduct lottery  
at fair, etc.,  
under certain  
conditions

5. A society may for the purpose of raising money for an authorised purpose conduct a lottery at a fair, gala, fete, bazaar or other entertainment of similar nature if -

- (a) the whole of the proceeds of the lottery after deducting expenses lawfully incurred in connection with conducting the lottery is applied to the provision of prizes in respect of the lottery and to the authorised purpose for which the lottery is conducted;
- (b) no remuneration or commission is paid to or received by any person whether directly or indirectly for conducting or helping to conduct the lottery;
- (c) the value of the prizes distributed in respect of the lottery does not exceed \$300 in aggregate;
- (d) no ticket is sold or issued otherwise than on the premises where the entertainment is being provided;
- (e) the drawing of the lottery and the declaration of the result are open to the public and are made on the premises where the entertainment is being provided; and
- (f) the opportunity to participate in the lottery is not the only inducement to persons to attend the entertainment.

Lottery may be  
conducted privately  
under certain  
conditions

6(1) A person or society may conduct a lottery if -

- (a) the whole of the proceeds of the lottery after deducting expenses lawfully incurred in connection with conducting the lottery is applied -
  - (i) in the case of a lottery conducted by a person to the provision of prizes in respect of the lottery; or
  - (ii) in the case of a lottery conducted by a society to the provision of prizes in respect of the lottery or to any authorised purpose or to both;
- (b) the sale of tickets is limited to persons who -
  - (i) all belong to a particular society;
  - (ii) are all employed by the same employer;
  - (iii) all reside in the same premises; or
  - (iv) are all attending the same premises whether or not together and whether or not for a common purpose;
- (c) in any case to which subparagraph (iii) or subparagraph (iv) of paragraph (b) of this subsection applies, all the tickets are sold in or on the premises where the persons referred to in that subparagraph reside or are attending as the case may be;

- 9
- (d) no remuneration or commission is paid to any person whether directly or indirectly for conducting or helping to conduct the lottery;
  - (e) the lottery is conducted by any person referred to in paragraph (b) of this subsection who, in the case of a lottery conducted on behalf of a society, is a member or an authorised employee of the society authorised to conduct the lottery by the governing body of the society;
  - (f) no notice, advertisement or other matter likely to induce persons to participate in the lottery is exhibited, published or distributed otherwise than in or on the premises of the society where the lottery is being conducted or as the case may be the premises where the lottery is being conducted; and
  - (g) the value of the prizes distributed in respect of the lottery does not exceed \$300 in the aggregate.

PART III  
GAMES OF CHANCE

Meaning of  
illegal game  
of chance

7. In this part of the Act and subject to section 9 and section 18 "illegal game of chance" means a game of chance -

- (a) in which the chances involved are not equal as between all the players;
- (b) in which a person other than a player has a chance of winning and the chances involved are more favourable to that person than to a player;
- (c) in which the game involves playing or staking against a bank and the bank does not pass from one player to another by chance or by regular rotation among all the players without charge or other prior conditions;
- (d) in which any money or money's worth that a player directly or indirectly puts down as stake or pays by way of losses or pays in exchange for tokens used in playing the game is disposed of otherwise than by payment to a player or players as winnings;
- (e) in which a payment in money or money's worth whether by way of an admission charge or in any other manner whatsoever (except by way of stakes) is made by any person whether or not to take part in the game;
- (f) in which deduction is made from or a levy is charged on any of the players' stakes or winnings;
- (g) which is played by way of a gaming machine;
- (h) which takes place in a public place;

- (i) in which one or more of the players is under 18 years of age; or
- (j) which disposes of any property or class of property specified in an Order for the time being in force under section 24 of this Act.

Offences relating to illegal game of chance

8. Any person who in any manner whatsoever knowingly -
- (a) organises, promotes, manages or conducts an illegal game of chance;
  - (b) assists in the organisation, promotion, management or conduct of an illegal game of chance;
  - (c) makes a direct or indirect pecuniary gain (otherwise than by way of winnings received as a player) from the playing of an illegal game of chance that he would not otherwise have made;
  - (d) causes or permits any premises of which he is the owner or occupier to be used for the purposes of an illegal game of chance;
  - (e) buys a ticket in an illegal game of chance;
  - (f) participates in an illegal game of chance;
  - (g) present on premises where an illegal game of chance is being played; or
  - (h) offers or gives credit or money or money's worth to enable any person to participate in an illegal game of chance,

commits an offence and shall be liable upon conviction to a fine not exceeding \$1000 or imprisonment for a term not exceeding 12 months.

Society may conduct game of chance at fair, etc. under certain conditions

9(1) A society may for the purpose of raising money for an authorised purpose conduct a game of chance at any fair, gala, fete, or other entertainment of similar nature if -

- (a) the outcome of the game does not depend entirely on chance;
- (b) the game is not played by means of a gaming machine;
- (c) the whole of the proceeds of the game after deducting expenses lawfully incurred in conducting the game is applied to the provision of prizes in respect of the game and to the authorised purpose for which the game is conducted;
- (d) the amount payable for one opportunity to play in the game does not exceed \$1;
- (e) the acceptance of entries and the declaration of the result take place on the same day and on the same premises on which the game is played;

- (f) no prize given or offered in respect of the game exceeds \$300 in value;
- (g) the opportunity to participate in the game is not the only inducement to persons to attend the entertainment;
- (h) neither the purchase of a ticket nor the winning of the game entitles that person (whether on payment of any charge or otherwise) to participate in any other game of chance or in any prize competition or lottery; and
- (i) no remuneration or commission is paid directly or indirectly to any person for conducting or helping to conduct the game of chance.

PART IV  
PRIZE COMPETITION

Meaning of  
illegal prize  
competition

10. In this part of this Act and subject to section 13 and section 14 and section 18 "illegal prize competition" means a prize competition -

- (a) in which the competitors are required to nominate -
  - (i) the result of an event, match, contest or competition in any game or sport;
  - (ii) a contingency (other than the final result) of or relating to any such event, match, contest, competition;
  - (iii) the result of a future event other than an event to which subparagraph (i) of this paragraph applies;
  - (iv) the result of a past event the outcome of which has not yet been ascertained;
- (b) the result of which or the solution to which or the identity of the person whose opinion or decision will determine the result or solution is known to any person before the date fixed for the closing of entries to the prize competition; or
- (c) that disposes of any property or class of property specified in an Order for the time being in force under section 24 of this Act.

Part does not  
apply to sales  
promotion  
schemes

11. Notwithstanding section 11 of this Act, nothing in this Part of this Act applies to a prize competition that is a sales promotion scheme.

Offences relating  
to illegal prize  
competition

12. A person who in any manner whatsoever knowingly -
- (a) organises, promotes, manages or conducts an illegal prize competition;
  - (b) assists in the organisation, promotion, management or conduct of an illegal prize competition;

- (c) makes a direct or indirect pecuniary gain (otherwise than by way of winning a prize) from an illegal prize competition that he would not otherwise have made;
- (d) causes or permits any premises of which he is the owner or occupier to be used for the purposes of an illegal prize competition;
- (e) buys a ticket in an illegal prize competition;
- (f) participates in an illegal prize competition;
- (g) present on premises where an illegal prize competition is being played; or
- (h) offers or gives credit or money or money's worth to enable any person to participate in an illegal prize competition,

commits an offence and shall be liable upon conviction to a fine not exceeding \$1000 or imprisonment for a term not exceeding 12 months.

Society may conduct prize competition at fair, etc., under certain conditions

13. A society may, for the purpose of raising money for any authorised purpose, conduct a prize competition at a fair, gala, fete, bazaar or other entertainment of a similar nature if --

- (a) the whole of the proceeds of the prize competition after deducting expenses lawfully incurred in connection with conducting the prize competition is applied to the provision of prizes in respect of the prize competition and to the authorised purpose for which the prize competition is conducted;
- (b) no remuneration or commission is paid to or received by a person whether directly or indirectly for conducting or helping to conduct the prize competition;
- (c) the value of the prizes distributed in respect of the prize competition does not exceed \$300 in the aggregate;
- (d) no ticket is sold or issued otherwise than on the premises where the entertainment is being provided;
- (e) the determination and declaration of the result are open to the public and are made on the premises where the entertainment is being provided; and
- (f) the opportunity to participate in the prize competition is not the only inducement to persons to attend the entertainment.

Prize competition may be conducted privately under certain conditions

14. A person or society may conduct a prize competition if --

- (a) the whole of the proceeds of the prize competition, after deducting expenses lawfully incurred in connection with conducting the prize competition is applied in the case of a prize competition conducted by --



- (i) a person to the provision of prizes in respect of the prize competition; or
  - (ii) a society to the provision of prizes in respect of the prize competition or to any authorised purpose or to both;
- (b) the sale of tickets is limited to persons who -
- (i) all belong to a particular society; or
  - (ii) are all employed by the same employer; or
  - (iii) all reside in the same premises; or
  - (iv) are all attending the same premises;
- (c) in any case to which subparagraph (iii) or subparagraph (iv) of paragraph (b) of this subsection applies, all the tickets are sold in or on the premises where the persons referred to in that subparagraph reside or are attending as the case may be;
- (d) no remuneration or commission is paid to or received by any person whether directly or indirectly for conducting or helping to conduct the prize competition;
- (e) the prize competition is conducted by one of the persons referred to in paragraph (b) of this subsection who, in the case of a prize competition conducted on behalf of a society is a member of the society authorised to conduct the prize competition by the governing body of the society;
- (f) no notice, advertisement or other matter likely to induce persons to participate in the prize competition is exhibited, published or distributed otherwise than in or on the premises of the society by which the prize competition is being conducted or as the case may be the premises where the prize competition is being conducted; and
- (g) the value of the prizes distributed in respect of the prize competition does not exceed \$300 in the aggregate.

PART V  
BOOKMAKING AND BETTING

Bookmakers to  
be licensed

15(1) The Minister may issue a licence to any person over the age of 25 years to carry on business as a bookmaker if he is satisfied that the person is a fit and proper person to hold such a licence.

(2) No person shall be licensed under subsection (1) of this section if -

- (a) he has been convicted at any time within the period of ten years immediately preceding the date of the application of any offence involving dishonesty or any offence against this Act or the Gaming and Lotteries Ordinance; or

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(b) he is an undischarged bankrupt.

(3) All applications shall be in the prescribed form and accompanied by the prescribed fee.

(4) A licence issued under subsection (1) of this section shall be valid for one year from the date of issue.

Offences relating to an unlicensed bookmaker

16(1) Any person who in any manner whatsoever knowingly -

- (a) acts or holds himself out as a bookmaker without a licence under section 15 of this Act;
- (b) acts or holds himself out as an agent for a bookmaker who is not licensed under section 15 of this Act;
- (c) causes or permits any premises of which he is the owner or occupier to be used by a bookmaker who is not licensed under section 15 of this Act;
- (d) bets with a bookmaker who is not licensed under section 15 of this Act; or
- (e) bets in a public place,

commits an offence under this Part.

(2) In the case of any person convicted under paragraph (a) of subsection (1) of this section such person shall be liable to a fine not exceeding \$2000 or imprisonment for a term not exceeding 2 years.

(3) In the case of a person convicted under paragraphs (b) and (c) of subsection (1) of this section such person shall be liable to a fine not exceeding \$1000 or imprisonment for a term not exceeding 12 months.

(4) In the case of a person convicted under paragraph (d) and (e) of subsection (1) of this section such person shall be liable to a fine not exceeding \$200 or imprisonment for a term not exceeding 3 months.

PART VI  
REGISTRATION OF SOCIETIES AND APPLICATION  
FOR LICENCES

Registration of society

17(1) Any society which applies to the Minister for approval to conduct a lottery or a game of chance or prize competition under section 18 of this Act shall be registered in accordance with the provisions of this section.

(2) An application for registration together with a copy of the constitution of the society shall be submitted to the Minister signed by the Chairman and all the members of the governing body of the society.

(3) The Minister may after making enquiries register the society.

(4) In the event of the death, resignation or removal of any of the members of the governing body or the Chairman of the society, the Chairman or deputy Chairman if any shall in writing notify the Minister within seven days the full name or names of the new members or the new Chairman as applicable.

(5) Any application for registration under subsection (1) of this section or a change of name under subsection 4 of this section shall be in a prescribed form accompanied by the prescribed fee.

(6) Such registration shall continue until the Minister cancels the registration or the society requests withdrawal of the registration.

(7) The Minister shall keep and maintain a Register of all the societies registered under this Act which shall be open to inspection by members of the public on payment of the prescribed fee.

(8) All criminal actions or proceedings at law instituted or brought against the society shall be instituted or brought against the persons referred to in subsection (2) and subsection (4) of this section.

Licence to  
conduct lottery  
etc., with  
prizes exceeding  
\$300

18(1) The Minister may grant a licence to any registered society in respect of a lottery, game of chance or prize competition authorising such society to conduct such lottery, game of chance or prize competition with an aggregate prize of more than \$300 if he is satisfied that such society's object in doing so is to raise money for an authorised purpose.

(2) Any application for a licence under subsection (1) of this section shall be in the prescribed form and accompanied by the prescribed fee.

(3) Every such licence shall be subject to the condition that no money shall be paid to or received by any person whether directly or indirectly by way of commission for conducting or helping to conduct the lottery, game of chance or prize competition as the case may be.

(4) Subject to subsection (3) of this section, the Minister may grant a licence under subsection (1) of this section subject to such conditions as he may specify.

(5) The Minister may cancel a licence issued under subsection (1) of this section of this Act and shall give notice of such cancellation to the holder of such licence.

#### PART VII MISCELLANEOUS PROVISIONS

Protection of  
name "KIRIBATI  
NATIONAL"

19(1) No person shall organise, promote, manage or conduct any lottery or game of chance or prize competition under a name incorporating the words "KIRIBATI NATIONAL".

(2) A person who contravenes subsection (1) of this section commits an offence and shall be liable upon conviction to a fine not exceeding \$500 or imprisonment for a term not exceeding 6 months.

Power to increase prize limits

20. Notwithstanding any of the provisions of Parts II, Part III and Part IV of this Act, the Minister may by Order increase the maximum value of any prize or the maximum aggregate value of all prizes or the maximum amount of any stake or entrance fee that by virtue of any of those provisions may otherwise be offered in respect of any lottery, game of chance or prize competition.

Power to permit overseas lotteries to be conducted in Kiribati

21. Notwithstanding anything to the contrary in this Act the Minister may by Order permit the promotion, organisation or the conduct within Kiribati of a lottery, game of chance or prize competition conducted outside Kiribati.

Forfeiture

22. Where any person is convicted of an offence under this Act, the court by or before which such person is convicted may order anything produced to the court and shown to the satisfaction of the court to relate to the offence to be forfeited to the Republic or dealt with in such other manner as the court may order.

Power to specify property not to be disposed of by lottery, etc

23. Notwithstanding anything to the contrary to this Act the Minister may by Order specify any property that may not be disposed of by any lottery, game of chance or prize competition.

Offences by bodies corporate

24(1) Where a body corporate commits an offence under this Act and that offence 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 other 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, commits that offence and shall be liable to be proceeded against and punished accordingly.

(2) In this subsection, the expression "director" in relation to a body corporate established by or under an enactment, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

Regulations

25. The Minister acting in accordance with the advice of the Cabinet may make regulations for carrying into full effect the purposes and provisions of this Act and in particular such regulations may -

- (a) prescribe any fee as required to be prescribed under this Act;
- (b) prescribe the manner in which any application for any licence under this Act is to be made;
- (c) prescribe the conditions to be complied with by any society conducting or any person involved or participating in -
  - (i) a lottery;

- (ii) a game of chance; or
- (iii) prize competition;
- (d) prescribe the minimum aggregate value of prizes to be offered in any -
  - (i) lottery;
  - (ii) game of chance; or
  - (iii) prize competition;
- (e) prescribe the maximum number of games of chance permitted at any one venue during any specified period;
- (f) prescribe the days on which and the hours during which any tickets in respect of -
  - (i) a lottery; or
  - (ii) a prize competition,which may or may not be sold;
- (g) (i) require any statement of account and any other report relating to the conduct of any lottery or game of chance or prize competition to be furnished and to whom; and
  - (ii) prescribe the matters to be dealt with in such statements or report as the case may be;
- (h) prescribe any form which may be necessary or desirable to be used or required to be prescribed under this Act;
- (i) require any record to be kept which may be necessary or desirable to be kept under this Act;
- (j) prescribe in respect of any lottery, game of chance or prize competition the maximum percentage of the gross proceeds that may be appropriated as expenses;
- (k) provide for official supervision, whether by a police officer or otherwise -
  - (i) of the conduct of any lottery, game of chance or prize competition conducted under this Act; or
  - (ii) of the determination of the result of any such lottery, game of chance or prize competition;
- (l) prescribe the manner in which the result of any such lottery, game of chance or prize competition is to be notified to the general public or participants;

- (m) provide for the disposal of any unclaimed prizes in respect of any such lottery, game of chance or prize competition;
- (n) prescribe the form and manner in which any notice required to be given and any record required to be kept under this Act is to be given or kept; and
- (o) generally providing for such other matters as are necessary or desirable for giving full effect to this Act and for its due administration.

Repeal of  
Cap. 36

26. The Gaming and Lotteries Ordinance is hereby repealed.

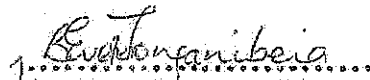
This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on 24th May, 1988 and is found by me to be a true and correctly printed copy of the said Bill.



.....  
Clerk to the Maneaba ni  
Maungatabu

Published by exhibition -

- (a) at the Public Office of the Beretitenti on  
the 9<sup>th</sup> day of June 1988.



.....  
Secretary to the Cabinet

- (b) at the Maneaba ni Maungatabu on the  
9<sup>th</sup> day of June 1988.



.....  
Clerk to the Maneaba ni  
Maungatabu

THE GAMING AND LOTTERIES ACT 1983

EXPLANATORY MEMORANDUM

The principal aim of this Act is to provide for the repeal of the Gaming and Lotteries Ordinance (Cap. 36) and to replace it with a more effective legislation which is easier to understand by both those responsible for its administration and the general public.

The Act provides for the promotion, organisation and conduct of lotteries, games of chance, prize competitions, bookmaking and betting as defined in the Act.

In general the Act prohibits all forms of gambling as aforementioned except those which are conducted under certain conditions including, among other things, the requirement that the value of prizes to be won does not exceed \$300 in the aggregate.

The general structure and scheme of the Act as outlined in Parts II, III, IV and V is that in each Part dealing respectively with lotteries, games of chance, prize competition and book-making and betting -

- (i) each form of gambling or game of chance declared illegal by the Act is defined;
- (ii) offences relating to each illegal form of gambling are specified;
- (iii) a general power is given to any person or society to conduct any form of gambling aforementioned either in public or in private where the value of prizes distributed does not exceed \$300 in the aggregate and subject to the conditions outlined under the relevant sections.

Part VI provides for the compulsory registration of societies which may wish to conduct any of those forms of gambling or games of chance aforementioned. After registration they can then apply to the Minister for a licence to conduct any such forms of gambling or games of chance aforementioned for which the value of the prizes to be distributed exceed \$300.

Part VII of the Act empowers the Minister to increase the prize limits already specified; to permit overseas lotteries to be conducted in Kiribati and to specify property not to be disposed of in any lottery, game of chance and prize competition. Part VII also gives the Court power to forfeit anything produced during the trial of any person convicted of an offence under the Act. This Part also specifies the category of the staff of a corporate body who may be guilty of any offences committed by corporate bodies.

Michael N. Takabwebwe  
Attorney General

LEGAL REPORT

I hereby certify that in my opinion none of the provisions of the above Act conflict with the Constitution and that the Beretitenti may properly assent to the Act.

Michael N. Takabwebe  
Attorney General  
2 June 1988