



Jersey

GAMBLING (JERSEY) LAW 1964

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GAMBLING (JERSEY) LAW 1964

Arrangement

Article

1	Interpretation	5
2	General prohibition	6
3	Power to make lawful specified forms of gambling.....	6
4	Security given for money won by gambling, or for repayment of money lent for gambling, void	7
5	Gambling contracts to be void, and wagers or sums deposited with stakeholders not to be recoverable at law.....	7
6	Sales by lottery void.....	7
7	Cheating to be an offence.....	7
8	Prohibition on inciting young persons to bet.....	8
9	Prohibition on gambling transactions with certain persons.....	8
10	Enforcement and penalties	9
11	Limitation on application	11
12	Dealings in investments	11
13	Saving for certain securities	12
14	Citation.....	12

Supporting Documents

ENDNOTES	13
Table of Legislation History	13
Table of Renumbered Provisions.....	13
Table of Endnote References.....	14



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GAMBLING (JERSEY) LAW 1964¹

A LAW to make unlawful all forms of gambling, to empower the States to make lawful specified forms of gambling, to render void any security or contract in connection with gambling and to provide generally for matters in relation thereto

Commencement [[see endnotes](#)]

1 Interpretation

(1) In this Law, unless the context otherwise requires –

“bookmaker” means any person who, whether on the person’s own account or as servant or agent to any other person, carries on, whether occasionally or regularly, the business of receiving or negotiating bets or conducting pool betting operations, or, by way of business in any manner holds himself or herself out, or permits himself or herself to be held out, as a person who receives or negotiates bets or conducts such operations, so, however, that a person shall not be deemed to be a bookmaker by reason only of the fact that the person carries on, or is employed in, sponsored pool betting business, or that the person operates, or is employed in operating, a totalisator;

“contravention” in relation to any requirement, includes a failure to comply with that requirement;

“gambling” includes all forms of betting, gaming and wagering and any lottery;

“game of chance” includes a game of chance and skill combined and a pretended game 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;

“lawful gambling” means any form of gambling made lawful by Regulations under Article 3;

“money” includes a cheque, banknote, currency note, postal order or money order;

“pool betting” means bets made by a number of persons –

- (a) on terms that the winnings of such of those persons as are winners shall be, or be a share of, or be determined by reference to, the stake money paid or agreed to be paid by those persons; whether the bets are made by means of a totalisator, or by filling up and returning coupons or other printed forms, or otherwise;
- (b) on terms that the winnings of such of those persons as are winners shall be, or shall include, an amount (not determined by reference to the stake money paid or agreed to be paid by those persons) which is divisible in any proportions among such of those persons as are winners; or
- (c) on the basis that the winners or their winnings shall, to any extent, be at the discretion of the promoter or some other person;

“premises” includes any place, whether enclosed or not;

“young person” means a person who has not attained the age of 18 years.

- (2) References in this Law and in any Regulations or Orders made thereunder to any other enactment (including an enactment of the Parliament of the United Kingdom) shall be construed as references thereto as amended, and as including references thereto as extended, by or under any subsequent enactment.

2 General prohibition

- (1) Except as may be provided by Regulations made under the provisions of Article 3, all forms of gambling are unlawful.
- (2) Any person who organizes or in any way takes part in any form of gambling, not being lawful gambling, shall be guilty of an offence.

3 Power to make lawful specified forms of gambling

- (1) The States may make Regulations making lawful, in such circumstances and subject to such conditions as may be specified in the Regulations, such forms of gambling as may be so specified.
- (2) Without prejudice to the generality of paragraph (1), Regulations made thereunder may provide –
 - (a) for empowering the Minister for Economic Development by Order to prescribe conditions for the better conduct and control of, and for matters of administration in connection with, any form of gambling made lawful by the Regulations;
 - (b) for the fees and other charges to be made by the States for the purposes of the Regulations;
 - (c) for the imposition of penalties in respect of any offence under this Law, being a contravention of any provision of the Regulations, so, however, that such penalties shall not exceed the penalties provided by Article 10(4);

(d) generally for carrying this Law into effect.

4 Security given for money won by gambling, or for repayment of money lent for gambling, void

Any note, bill, bond or other security whatsoever given, granted, drawn or entered into or executed by any person where the whole or any part of such security is for any money or money's worth won in any gambling transaction, or for reimbursing or repaying any money knowingly lent or advanced for such gambling, or lent or advanced at the time and place of such gambling to any person gambling at that time and at that place, shall be deemed to have been given, granted, drawn or entered into or executed for an illegal consideration and shall be void.

5 Gambling contracts to be void, and wagers or sums deposited with stakeholders not to be recoverable at law

(1) Any contract or agreement, whether verbal or written, by way of gambling shall be void, and no action shall be brought or maintained for recovering any money or money's worth alleged to have been won in any gambling transaction, or any money or money's worth deposited in the hands of any person to await the event on which any gamble has been made:

Provided that this paragraph shall not apply to any contribution or subscription, or agreement to contribute or subscribe, for or towards any plate, prize or sum of money to be awarded to the winner of any lawful game, sport, pastime or exercise.

(2) Any promise, express or implied, to pay any person any sum of money paid by the person under or in respect of any contract or agreement made void by paragraph (1), or to pay any sum of money by way of commission, fee, reward or otherwise in respect of any such contract or agreement, or in respect of any service in relation to any such contract or agreement, shall be void, and no action shall be brought or maintained to recover any such sum of money.

6 Sales by lottery void

No action shall be brought or maintained to recover any land, goods or other thing whatsoever sold by means of any game, lottery or other means depending on, or to be determined by, chance or lot.

7 Cheating to be an offence

Any person who, by means of any fraud or unlawful device or practice in any gambling transaction, wins or attempts to win from any other person for the person or for any other person any money or money's worth, shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding 5 years.²

8 Prohibition on inciting young persons to bet

- (1) No person shall for the purpose of earning commission, reward or other profit send, or cause to be sent, to a young person any circular, notice, advertisement, letter, telegram or other document which invites, or may reasonably be implied to invite the young person receiving it to enter into or take any share or interest in any gambling transaction, or to apply to any person or at any place, with a view to obtaining advice or information for the purpose of gambling, or for information as to any race, fight, game, sport or other contingency on which any form of gambling is generally carried out.
- (2) If any such circular, notice, advertisement, letter, telegram or other document as aforesaid, names or refers to anyone as a person to whom payment may be made, or from whom advice or information may be obtained, for the purpose of, or in relation to, gambling, the person so named or referred to shall be deemed to have sent, or caused to be sent, such document as aforesaid, unless the person proves that the person had not consented to be so named, and that the person was not in any way party to, and was wholly ignorant of, the sending of such document.
- (3) If any such circular, notice, advertisement, letter, telegram or other document as aforesaid is sent to any person at any college, school or other place of education, and the person to whom such document is sent is a young person, the person sending the document, or causing it to be sent, shall be deemed to have known that the person to whom it was sent was a young person, unless the person proves that the person had reasonable grounds for believing such person to be 18 years of age or over.

9 Prohibition on gambling transactions with certain persons

- (1) Subject to the provisions of paragraph (2) no person shall, whether as principal or as servant or agent of any other person –
 - (a) conduct any business in the course of which any gambling transaction is negotiated or entered into with, or on behalf of, a stranger;
 - (b) permit a stranger to participate in any form of gambling lawfully conducted, organized or promoted by that person or that other person, as the case may be.
- (2) The provisions of paragraph (1) shall not apply to –
 - (a) the laying-off, by a person carrying on the business of bookmaker in Jersey, of bets lawfully negotiated or entered into by the person;
 - (b) bets (including bets made by way of pool betting) negotiated or entered into by a stranger on horse races or dog races lawfully run in Jersey;
 - (c) bets made and transmitted in accordance with Regulations made under Article 3 by means of facilities provided –
 - (i) by or on behalf of the Totalisator Board, or
 - (ii) by persons authorized by the Totalisator Board and having the management of an approved horse racecourse,

in accordance with section 14 of the Betting, Gaming and Lotteries Act 1963 of the United Kingdom (in this sub-paragraph referred to as “the United Kingdom Act”), and in this sub-paragraph –

“approved horse racecourse” means any ground in respect of which there is for the time being in force a certificate of approval of that ground as a horse racecourse issued under section 13 of the United Kingdom Act by the Horserace Betting Levy Board established by section 24 of the United Kingdom Act; and

“Totalisator Board” means the Horserace Totalisator Board established by section 12 of the United Kingdom Act;

- (d) a person authorized under and acting in accordance with Regulations made pursuant to paragraph (3).³
- (3) The States may make Regulations specifying circumstances in which, conditions subject to which, the description of strangers with whom and the forms of gambling in relation to which a person may be authorized to engage in the activities described in paragraphs (1)(a) and (b).⁴
- (4) Article 3(2) shall apply for the purposes of Regulations made under paragraph (3) as if the reference in sub-paragraph (a) to “any form of gambling made lawful by the Regulations” were a reference to “any gambling transaction with a stranger permitted by the Regulations”.⁵
- (5) In this Article “stranger” means a person who is not actually present in Jersey, or, in the case of a lottery jointly organized or promoted by the States and the States of Guernsey, is not actually present in the Channel Islands, and includes a body corporate whether incorporated in Jersey or elsewhere.⁶

10 Enforcement and penalties

- (1) Where the Connétable or a Centenier of any parish has reasonable grounds for suspecting that any provision of this Law, or of any Regulations made thereunder, is being, or has been, or is about to be, contravened on any premises within the parish the Connétable or Centenier may enter the premises and may –
 - (a) seize and remove any document, money or money’s worth, instrument or other thing whatsoever found on the premises which the Connétable or Centenier has reasonable cause for believing may be required as evidence for the purposes of proceedings in respect of any such contravention; and
 - (b) arrest and, subject to the provisions of paragraph (2), search any person found on the premises whom the Connétable or Centenier has reasonable cause to believe to be committing, or to have committed, any such contravention.
- (2) A person arrested by virtue of paragraph (1)(b) shall be searched only by a person of the same sex as that person.
- (3) No person shall wilfully delay or obstruct a Connétable or a Centenier in the exercise of the Connétable’s or Centenier’s powers under paragraph (1), or fail to produce, when required by the Connétable or a

Centenier so to do, or conceal or attempt to conceal, any document, money or money's worth, instrument or other thing to which paragraph (1)(a) relates.

- (4) A person who contravenes any provision of this Law or of any Regulations made thereunder shall be guilty of an offence under this Law and, save where otherwise provided by this Law or by the Regulations, any person guilty of an offence under this Law shall be liable, in the case of a first offence, to a fine not exceeding level 4 on the standard scale and, in the case of a second or subsequent offence under the same provision, to a fine or to imprisonment for a term not exceeding 12 months or to both such fine and such imprisonment.⁷
- (5) Where an offence under this Law –
- (a) 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 other similar officer of the body corporate, or any person purporting to act in any such capacity, he or she as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly;
 - (b) is committed –
 - (i) by a servant or agent of any other person,
 - (ii) except in a case to which clause (iii) applies, on any premises by a person other than the occupier or person having the management of the premises, or
 - (iii) at or in connection with any event or any form of gambling by a person other than the person promoting, organizing or conducting the event or the gambling,the principal, or the occupier or person having the management of the premises, or the person promoting, organizing or conducting the event or the gambling, as the case may require, shall also be guilty of that offence:
- Provided that where, by virtue of the provisions of this subparagraph, a person is charged with an offence by reason of a contravention on the part of some other person, it shall be a defence for the person to prove that the offence was committed without the person's consent or connivance and that the person exercised all due diligence to prevent it.
- (6) The court by which any person is convicted of any offence under this Law 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 other manner as the court may order.
- (7) Regulations made under this Law may provide that, where any person is convicted of an offence under this Law, being a contravention of such of the provisions of the Regulations as may be specified, or is convicted of any offence involving fraud or dishonesty, the court by or before which that person is convicted may, in addition to any other penalty imposed for the offence, order that any licence granted to the person convicted for any of the purposes of the Regulations shall be forfeited and cancelled.

- (8) Where, in pursuance of paragraph (7), provision is made for a court to order the forfeiture and cancellation of any licence such forfeiture and cancellation shall be deemed for the purpose of any appeal to be part of the sentence for the offence, and the order of the court forfeiting and cancelling the licence shall not take effect –
- (a) until after the expiration of the period within which notice of appeal against the conviction or sentence may be given; or
 - (b) if notice of appeal against conviction or sentence is duly given within that period, until the date of the determination or abandonment of the appeal.
- (9) Where, in pursuance of paragraph (7), provision is made for a court to order the forfeiture and cancellation of a licence, the order of the court shall have the effect of disqualifying the person in respect of whom the order was made from holding a licence of any description under any of the Regulations made under this Law for a period of 5 years from the date of the conviction which gave rise to the order:

Provided that, in any case where it appears to the court making the order to be just in all the circumstances, the court may include in the order a direction that the period of disqualification shall be such period shorter than 5 years as the court may direct.

11 Limitation on application

For the avoidance of doubt, nothing in this Law or in any Regulations made thereunder shall be taken to apply to the disposal by lot of any land, goods or other thing whatsoever under and in accordance with the law, whether customary or enacted, of Jersey.

12 Dealings in investments⁸

- (1) For the avoidance of doubt, nothing in this Law or in any Regulations made thereunder shall be taken to render unlawful, void or unenforceable any contract entered into by any party thereto by way of business the making or performance of which by any party thereto constitutes buying, selling, subscribing for or underwriting an investment or offering or agreeing to do so, either as principal or agent.
- (2) In this Article “investment” includes shares, debentures, debenture stock, loan stock, bonds, certificates of deposit or other instruments creating or acknowledging indebtedness, government, States and public securities, warrants and other instruments entitling the holder to subscribe for or purchase shares or securities, certificates or other instruments representing securities, shares or units in collective investment funds, options of whatever nature including options to acquire and dispose of currency, precious metals or any instrument, futures contracts of whatsoever nature including contracts to purchase or sell any commodities, currencies or financial instruments at a future date, contracts for differences or any contract the purpose or intended purpose of which is to secure a profit or avoid a loss by reference to fluctuations

in the value or price of property of any description or in an index or other factor designated for that purpose in the contract, long-term insurance contracts and rights to and interests in investments.

13 Saving for certain securities

Nothing in this Law or in any Regulations made thereunder shall apply to securities issued by the States or by or under the Authority of Her Majesty's Government in the United Kingdom by reason of any use or proposed use of chance to select particular securities for special benefits, if the terms of the issue provide that the amount subscribed is to be repayable in full in the case of all the securities.

14 Citation

This Law may be cited as the Gambling (Jersey) Law 1964.

ENDNOTES**Table of Legislation History**

Legislation	Year and No	Commencement
Gambling (Jersey) Law 1964	L.19/1964	1 June 1965 (R&O.4639)
Gambling (Amendment) (Jersey) Law 1974	L.26/1974	6 December 1974
Gambling (Amendment No. 2) (Jersey) Law 1985	L.14/1985	19 April 1985
Gambling (Amendment No. 3) (Jersey) Law 1995	L.4/1995	20 January 1995
Gambling (Amendment No. 4) (Jersey) Law 1996	L.22/1996	14 June 1996
Gambling (Amendment No. 5) (Jersey) Law 2002	L.11/2002	15 March 2002
States of Jersey (Amendments and Construction Provisions No. 4) (Jersey) Regulations 2005	R&O.44/2005	9 December 2005

Table of Renumbered Provisions

Original	Current
4	spent, omitted from this revised edition
5	4
6	5
7	6
8	7
9	8
10	9
10(2)(ba)	9(2)(c)
10(2)(c)	9(2)(d)
10(2A)	9(3)
10(2B)	9(4)
10(3)	9(5)
11	10
12	11
12A	12
14	spent, omitted from this revised edition
15	14
Schedule	spent, omitted from this revised edition

Table of Endnote References

- ¹ *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 4) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government amended by L.14/1985*
- ² *Article 7*
- ³ *Article 9(2) amended by L.22/1996, L.11/2002*
- ⁴ *Article 9(3) inserted by L.22/1996*
- ⁵ *Article 9(4) inserted by L.22/1996*
- ⁶ *Article 9(5) amended by L.26/1974*
- ⁷ *Article 10(4) amended by L.14/1985, L.22/1996*
- ⁸ *Article 12 inserted by L.4/1995*