

JAMAICA

No. 27 – 2002

I assent,

[L.S.]

H. F. COOKE,
Governor-General.

7th day of August, 2002.

AN ACT to Validate the collection of monetary contributions made by persons licensed under the Betting, Gaming and Lotteries Act to promote lotteries, to indemnify persons from liability in respect of such collection and to amend the Betting, Gaming and Lotteries Act to make provisions in respect of the payment, allocation and disbursement of such contributions, and for connected matters.

[8th August, 2002]

WHEREAS section 49 of the Betting, Gaming and Lotteries Act authorizes the Commission to grant a licence to any person to promote a lottery and provides that any such lottery which is promoted in accordance with the terms and conditions of the licence shall not be unlawful:

AND WHEREAS in exercise of that power, the Commission granted lottery licences and, acting in good faith, included in the

terms and conditions of the licences, requirements that the licensees make payments of contributions to certain specified causes at specified percentages of weekly ticket sales and of the value of all unclaimed prizes arising from those sales:

AND WHEREAS such requirements were included in the terms and conditions of the licences in the mistaken belief that they were authorized by the Betting, Gaming and Lotteries Act:

AND WHEREAS in accordance with those requirements, contributions have been made in good faith to the areas of Sports, Health and Early Childhood Education:

AND WHEREAS it is deemed necessary to ensure the validity and efficacy of such contributions:

NOW, THEREFORE, BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

Short title
and construc-
tion.

1. This Act may be cited as the Betting, Gaming and Lotteries (Amendment, Validation and Indemnity) Act, 2002, and shall be read and construed as one with the Betting, Gaming and Lotteries Act (hereinafter referred to as the principal Act) and all amendments thereto.

Amendment
of section 49
of principal
Act.

2. Section 49 of the principal Act is amended by numbering the first and second sentences as subsections (1) and (2), respectively, and inserting the following subsections—

“ (3) The Commission may require a person to whom a licence is granted under this section to pay, for the benefit of the Fund established under section 59F, monetary contributions of such percentage of—

(a) weekly gross ticket sales; and

(b) the value of unclaimed prizes arising from those sales,

as the Commission may specify in the licence.

(4) The Minister responsible for finance may, on the application of a person required to pay contributions under

subsection (3), waive, refund or remit, in whole or in part, any such contribution if the Minister thinks it expedient to do so.”.

3. The principal Act is amended by inserting next after section 59E the following heading and sections—

Insertion of new heading and sections in principal Act.

“ *Contributions by lottery licensees for benefit of Prescribed Causes and related matters*

Establishment and management of Fund.

59F.—(1) For the purposes of this Act, there shall be established, under the control and management of a board appointed by the Minister in accordance with subsection (2), a Fund called the Culture, Health, Arts, Sports and Early Childhood Education Fund (hereinafter referred to as “the Fund”).

(2) The board shall consist of nine persons appointed by the Minister by instrument in writing and the Minister shall appoint one of the members of the board to be chairman thereof.

(3) There shall be deposited into the Fund monetary contributions required to be made by lottery licensees pursuant to section 49(3).

Beneficiaries of Fund.

59G.—(1) The moneys of the Fund shall be allocated by the board to the areas of Sports, Health, Early Childhood Education, Arts and Culture, in the following proportions—

- (a) sports—40%;
- (b) early childhood education—25%;
- (c) health—20%;
- (d) arts and culture—15%.

(2) The Minister may, by order subject to affirmative resolution, vary the percentages specified in subsection (1).

Accounts and audit.

59H.—(1) The board shall keep proper accounts of the Fund and shall prepare annually a

statement of account in a form satisfactory to the Commission and conforming to established accounting principles.

(2) The accounts of the Fund shall be audited annually by an auditor appointed by the Commission with the approval of the Minister.

(3) The Auditor-General shall be entitled at all times to examine the accounts of the Fund.”.

Validation
of contribu-
tions.

4.—(1) Notwithstanding anything to the contrary in any enactment, all monetary contributions paid before the date of commencement of this Act to the Commission in good faith by persons licensed under section 49 of the principal Act, to promote lotteries, on the basis of the conditions attached to the licence granted to those persons, are deemed to have been valid and lawfully collected.

(2) The Commission and every person acting on behalf of the Commission in imposing those conditions and liable to be proceeded against legally on the ground that such contributions were made without proper authority are hereby freed, acquitted, discharged and indemnified as well as against The Queen’s Most Gracious Majesty, Her Heirs and Successors as well as against all other persons whatever, from all legal proceedings of any kind in respect of or consequent on the payment of such contributions.

