

## CHAPTER 135

### GAMING

1891-4

This Act came into operation on 26th February, 1891.

#### **Amended by:**

*1956-57*

*1960-31*

*1967/168*

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#### **Guide to symbols in historical notes:**

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument



## CHAPTER 135

### GAMING 1891-4

#### *Arrangement of Sections*

1. Short title

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#### GAMBLING IN PUBLIC PLACES

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10. Costs
11. Saving with respect to estates legally allotted or held by lot
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- 18.** Act not to apply to pool lottery or certain lotteries



**BARBADOS**

## GAMING

1891-4

*An Act to consolidate and amend the Acts of this Island relating to gaming.*

[Commencement: 26th February, 1891]

**Short title**

1. This Act may be cited as the Gaming Act.

**PART I****GAMBLING IN PUBLIC PLACES****Gambling in public places**

- 2.(1) Any person found gambling at any hazard or cock-fighting in any of the streets, lanes or alleys of any of the towns or villages of this Island or on any road or wharf or in any boat in any of the bays, creeks or landing places of this Island shall on conviction thereof before any magistrate be liable to a penalty of five dollars, together with the costs attending the trial, and in case the penalty and costs be not forthwith paid, the offender shall, by warrant under the hand of

such magistrate, be committed to prison for any time not exceeding ten days, unless the penalty and costs be sooner paid.

(2) It shall be lawful for any police or parish constable to apprehend without a warrant any person who may be so found gambling or engaged in cock-fighting and to bring or cause such person to be brought before a magistrate to be dealt with according to law and in case the court be not then sitting, to commit every such person to safe custody for the present.

**Public houses and places of public resort may be entered on the Sabbath day by any constable on suspicion of gambling**

3.(1) It shall be lawful for any police or parish constable upon his own view of the fact or on the information of any credible person to enter into any public house or place of public gambling, resort, where any persons are or are suspected to be on the Sabbath day, that is, from midnight on Saturday to midnight on Sunday, and to apprehend and detain such persons in custody at any police station, until such persons can be brought before a magistrate.

(2) Every person so apprehended and brought before such magistrate shall, on conviction of an offence under subsection (1), be dealt with as an offender under section 2.

**Constables neglecting their duty may be fined**

4. Any police or parish constable who is guilty of neglect of duty in apprehending and bringing to trial any offender against sections 2 or 3 shall, on conviction before a magistrate, for every such neglect of duty, be dealt with as an offender under section 2.

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PART II  
ENCOURAGING GAMING BY SERVANTS

**Permitting servants to play or attend any game**

**5.** Any person living in or having the use and command of any house, room, shop, yard, garden or backyard, who directly or indirectly permits, suffers or in any way encourages any person who, according to his own knowledge or to information received, is an apprentice or servant to another to play, bet or attend any game or play, shall forfeit for every such offence, for the use of the aggrieved informant, a sum not exceeding twenty-four dollars, to be recovered and the payment enforced in a summary manner before a magistrate, who is hereby empowered and required to use all legal methods for discovering the offence and convicting the offender.

**Third conviction of offence under section 5**

**6.** Any person who is thrice convicted of an offence under section 5 shall, upon every such third conviction, be adjudged by the magistrate to pay, over and above the forfeiture, prescribed by that section, a penalty of seventy-two dollars.

PART III  
LOTTERIES AND GAMES

**Offences relating to lotteries and games**

- 7.** Any person who—
- (a) erects, sets up, continues or keeps any office or place, under the denomination of a sale of houses, lands, plate, jewels, ships, goods or other things by way of lottery or by lots, tickets, numbers or figures, cards or dice; or

- (b) prints, writes, advertises or publishes or causes to be made, printed, written, advertised or published proposals or schemes for advancing small sums of money by several persons amounting in the whole to large sums, to be divided among them by chances of the prizes in any lottery or lotteries; or
- (c) delivers out or causes or procures to be delivered out tickets to the persons advancing such sums, to entitle them to a share of the money so advanced, according to such proposals or schemes; or
- (d) exposes to sale any houses, lands, plate, jewels, ships, goods or other things, by any game, method or device whatsoever, depending upon or to be determined by any lot or drawing, whether it be out of a box or wheel or by cards or dice or by any machine, engine or device of chance of any kind whatsoever,

shall upon being duly convicted thereof in a summary manner before any magistrate be liable to a penalty of four hundred and eighty dollars, to be recovered by any informer who shall be entitled to one moiety of the forfeiture.

**All games with dice, etc., deemed games within section 7**

**8.(1)** All games invented or to be invented, with one or more dice or with any other instrument, engine or device in the nature of dice, having one or more figures or numbers thereon, shall be deemed to be games or lotteries by dice within the intent and meaning of section 7.

(2) Any person who sets up, maintains or keeps any office, table or place for any game however known, called or distinguished shall be liable to a penalty of four hundred and eighty dollars, to be recovered in manner and for the uses prescribed in section 7.

**Sales of houses, etc., by any game depending on chance void, and such houses etc., to be forfeited**

**9.(1)** All sales of houses, lands, plate, jewels, ships, goods or other things by any game, lottery or lotteries, machine, engine or other device whatsoever,

depending upon or to be determined by chance or lot, shall and are hereby declared to be void to all intents and purposes whatsoever.

(2) All such houses, lands, plate, jewels, ships, goods and other things set up and exposed to such sale shall be forfeited, recovered and divided in manner prescribed in section 7.

### **Costs**

**10.** In all proceedings under sections 7, 8 or 9 the plaintiff or informant shall recover his full costs of suit.

### **Saving with respect to estates legally allotted or held by lot**

**11.(1)** Nothing in sections 7, 8 or 9 shall extend in any way to affect or prejudice any estate or interest in, out of or to any lands, tenements or other estate or effects, which are at any time hereafter legally allotted to or held by or by means of any allotment or partition by lots.

(2) Notwithstanding sections 7, 8 and 9, all persons who now are really and truly seised as part owners, joint tenants and tenants in common of any lands, tenements or other estate or effects shall be, and they and their heirs, executors, administrators and assigns are hereby made and continued, capable of accepting and taking such estates and interests and parts therein in such and the like manner, and to such and the like uses, as they might, would or could have done by or by virtue or in consequence of any lot, scroll, chance or allotment whatsoever, had this Act never been passed.

### **Saving with respect to use of backgammon tables or card games in private houses when only as amusement**

**12.** Nothing in sections 7 or 8 shall extend to the debarring or preventing the making use in private houses of backgammon tables and the other games usually played with the backgammon tables or of any sort of game with cards, when the same is used merely for amusement and as an innocent diversion.

PART IV  
GAMING DEBTS

**All notes or securities given for money, etc., won by gaming or for repaying any money, etc., lent for gaming, void**

**13.** All notes, bills, bonds, judgments or other securities or conveyances whatsoever, given, granted, drawn or entered into or executed by any person whatsoever, where the whole or any part of the consideration of such conveyances or securities is—

- (a) for any money or other valuable things whatsoever won by gaming or playing at cards, dice, tables, bowls, billiards or other game whatsoever or by betting on the sides or hands of such as do game at any such games; or
- (b) for the reimbursing or repaying any money or other valuable thing knowingly lent or advanced for such gaming or betting, or lent or advanced at the time and place of such play to any person so gaming or betting or who during such play so plays or bets,

shall be utterly void and of none effect to all intents and purposes whatsoever.

**Recovery of money lost by playing and betting**

**14.(1)** Any person who at any time or sitting, by playing at cards, dice, tables or other game whatsoever or by betting on the sides or hands of such as do play at any such games, loses to any one or more person or persons so playing or betting, in the whole the sum or value of twenty-four dollars and pays or delivers the same or any part thereof, shall be at liberty within three months then next to sue for and recover the money or goods so lost and paid or delivered, or any part thereof, from the respective winner and winners thereof with full costs of suit by an action founded upon this Act.

(2) In any such action, it shall be sufficient for the plaintiff to allege that the defendant or defendants are indebted to the plaintiff or received to the plaintiff's

use the moneys so lost and paid or converted the goods won of the plaintiff to the defendant's use whereby the plaintiff's action accrued to him according to the form of this statute, without setting forth the special matter.

(3) Where the person who lost such money or other thing in accordance with subsection (1) does not, within the time prescribed in subsection (1) really and *bona fide* and without covin or collusion, sue and with effect prosecute for the money or other thing so by him lost and paid or delivered, it shall be lawful for any person by any action in pursuance of subsection (1) to sue for and recover the same and treble the value thereof, with full costs of suit against such winner or winners, the one moiety thereof to the use of the person suing for the same and the other moiety to the use of the poor of the parish where the offence is committed.

#### **Discovery of amounts won**

**15.** Any person who is liable to be sued for the moneys or other thing so won and recoverable as mentioned in sections 13 and 14 shall be obliged and compellable to answer upon oath such proceedings as are commenced against him for discovering the sum of money or other thing so won at play.

#### **Person repaying money discharged from any further penalty**

**16.** Upon the discovery and repayment of the money or things to be recovered and repaid under sections 13 or 14, the person who so discovers and repays the same shall be acquitted, indemnified and discharged from any further or other punishment, forfeiture or penalty which he may have incurred by the playing for or winning such money or other thing so discovered and repaid.

PART V  
MISCELLANEOUS

**Assaulting or challenging any other person on account of anything won by gaming**

**17.** Any person who assaults and beats or challenges or provokes to fight any other person upon account of any money or other valuable thing won by gaming, playing or betting at any of the games specified in section 13 shall, being thereof convicted in a summary manner before a magistrate, be liable to a penalty of ninety-six dollars and in default of payment thereof to imprisonment for three months.

PART VI  
EXEMPTIONS

**Act not to apply to pool lottery or certain lotteries**

- 18.(1)** None of the provisions of this Act shall apply to—
- (a) any bet made by way of pool betting; or
  - (b) any lottery or sweepstake organised and controlled by the Barbados Turf Club or any Turf Club outside the Island approved by the Minister at or in connection with any race meeting held under the auspices of such Club; or
  - (c) any lottery organised and controlled by the Transport Board established under the *Transport Board Act, Cap. 297* or by any owner of a motor omnibus plying for hire on a highway in connection with tickets issued by such Board as owner, as the case may be, on payment of fares where the money or money's worth to be distributed or allotted does not exceed one hundred dollars.

(2) For the purposes of this section, the expression “pool betting” means any bet which by virtue of any Act relating to pool betting is deemed for the purposes of that Act to be a bet made by way of pool betting.

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*[1960-31]*