

LOTTERY SCHEME, TERMS AND CONDITIONS

Pursuant to the authority granted by the Lieutenant-Governor in Council, by Minute of Council, 1081-'82, dated September 8, 1982, and subsection 207(2) of the *Criminal Code* of Canada, the following Terms and Conditions relating to the issuance of Lottery Licences are prescribed:

1. These terms, conditions and rules relating to the issuance of lottery licences may be cited as the Lottery Scheme, Terms and Conditions.
2. In the Lottery Schemes;
 - (a) "amateur sport" means
 - (i) provincial programs directly associated with a provincial sports governing body, or
 - (ii) youth development programs for participants under 21 years old, and certified by the related sports governing body and the Department of Tourism, Culture and Recreation, or
 - (iii) those other competitive adult sport programs which play under official or modified rules that lead to provincial championships;
 - (b) "charitable or religious object or purpose" means an object or purpose for
 - (i) the relief of poverty,
 - (ii) the advancement of education,
 - (iii) the advancement of religion, or
 - (iv) other purposes beneficial to the community;
 - (c) "charitable or religious organization" means an organization having solely charitable or religious objects or purposes and which performs services solely for public good or welfare without profit or pecuniary gain to its members;
 - (d) "director" means the Director of the Trade Practices Division;
 - (e) "division" means the Trade Practices Division of the department;
 - (f) "giveaways" means the awarding of items by the means of a draw where no monetary consideration is involved;
 - (g) "gross gaming related proceeds" means the gross proceeds as reported in Total Gross Proceeds section of the Financial Report;
 - (h) "gross receipts" means the total gaming revenues derived from all sources in the conduct and management of a lottery scheme or schemes;
 - (i) "jackpot" means an amount which accumulates from one bingo or bingo/breakopen event to another or a prize carried over from one bingo or bingo/breakopen event to another;
 - (j) "licence" means a licence issued under section 207 of the *Criminal Code*;

- (k) "licensee" means an organization licensed to conduct or manage a lottery scheme under these regulations and includes a member organization of an umbrella association;
- (l) "lottery event" means
 - (i) in the case of a bingo lottery or a bingo/breakopen lottery, a single period of operation not longer than 12 hours in a 24 hour period,
 - (ii) in the case of a breakopen lottery, the period for which a licence is issued,
 - (iii) in the case of a games of chance lottery, the period of operation to a maximum of 12 hours in a 24 hour period,
 - (iv) in the case of a monte carlo lottery, the period of operation, to a maximum of 12 hours in a 24 hour period, or
 - (v) in the case of a ticket lottery or sports lottery, the period over which the tickets entries are sold and a winner is determined;
- (m) "lottery scheme" has the general meaning as contemplated in the Criminal Code and includes a bingo event, a breakopen ticket lottery event, a bingo/breakopen ticket lottery event, a ticket lottery event, a sports lottery event, a games of chance event, a monte carlo event as described in Part II;
- (n) "manager" means the Manager, Licensing and Examinations of the Trade Practices Division;
- (o) "minister" means the minister appointed under the *Executive Council Act* to administer these terms and conditions;
- (p) "purpose beneficial to the community" means an activity or benefit to the public or some significantly large section of it and includes amateur sport, recreation, arts and culture, or youth activities; and
- (q) "recreation" means a properly constituted community recreational organization of benefit to the community or some significantly large section of it, certified as genuine by a local municipal authority and the Department of Tourism, Culture and Recreation.

3. The division or the Government Service Centre may issue a licence
 - (a) where the applicant is a charitable or religious organization and the proceeds of the lottery shall be expended on a charitable or religious object or purpose;
 - (b) where the applicant is an incorporated non-profit organization raising funds solely for charitable or religious objects or purposes; or
 - (c) where it is in the opinion of the division sufficient other licensing requirements have

been met.

4. A licence may be refused, suspended or revoked
 - (a) if on reasonable and probable grounds it is believed the conduct and management of a lottery is likely to reflect unfavourably upon the integrity of the lotteries program;
 - (b) in the opinion of an officer of the division the terms and conditions of the licence cannot be complied with; or
 - (c) where an applicant as a previous licence holder has violated a term or condition of that licence.
5. The general rules for a licensed lottery scheme and the applicable schedule of rules shall form part of these terms and conditions and shall govern:
 - (a) the conduct, limits and operation of a licensed lottery scheme; and
 - (b) the amount of licensing fees consistent with the type of lottery scheme proposed, that may be set by the minister.
6.
 - (a) The director, the manager or another official designated by the minister has signing authority for issuing licences.
 - (b) A person with signing authority for issuing licences may amend a licence or suspend or cancel a licence.
7. The licence, the application for a licence, the financial report and other forms considered necessary shall be in the form approved by the minister.
8. A licence may contain the reasonable additional terms or conditions the signing authority considers necessary.
9.
 - (a) Notwithstanding a term or condition prescribed in these regulations, the division may issue a licence to the Health Care Foundation of St. John's Inc. to permit the conduct and management of a breakopen lottery scheme through hotels, motels, lounges and taverns which have been licensed under section 27 of the *Liquor Control Act* subject to a signed agreement between the foundation and the Tourist Industry Association of Newfoundland and Labrador, providing this agreement, containing the necessary elements of control, accountability and other relevant measures not inconsistent with the objectives of the Lotteries Control Program, is acceptable to the division.
 - (b) The licence referred to in subsection (a) may contain a further term and condition as the signing authority considers necessary.
10.
 - (a) Provided it is consistent with the objectives of the Lotteries Control Program, the division may licence a lottery scheme other than a scheme already defined in the schedules to these terms

and conditions.

- (b) The licensing fee for a lottery referred to in subsection 1 shall be set by the minister.
11. A person dissatisfied with a decision of the division respecting the refusal, suspension or revocation of a licence may appeal the decision to a judge of the Trial Division within 30 days of receipt of notice of the decision.

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