



STATUTORY INSTRUMENTS.

S.I. No. 63 of 2021



DISTRICT COURT (GAMING AND LOTTERIES) RULES 2021

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DISTRICT COURT (GAMING AND LOTTERIES) RULES 2021

The District Court Rules Committee, in exercise of the powers conferred on them by section 91 of the Courts of Justice Act 1924, section 72 of the Courts of Justice Act 1936, section 34 of the Courts (Supplemental Provisions) Act 1961, and section 24 of the Interpretation Act 2005, and of all other powers enabling them in this behalf, do hereby, with the concurrence of the Minister for Justice, make the following rules of court.

Dated this 1st day of December 2020.

Colin Daly

Chairperson

Brian Sheridan

Conal Gibbons

Riobard Pierse

Ciara McMahon

James Finn

Lisa Scott

I concur in the making of the following rules of court.

Dated this 10th day of February 2021

HELEN MCENTEE

Minister for Justice

S.I. No. 63 of 2021

DISTRICT COURT (GAMING AND LOTTERIES) RULES 2021

The District Court Rules Committee, in exercise of the powers conferred on them by section 91 of the Courts of Justice Act 1924, section 72 of the Courts of Justice Act 1936, section 34 of the Courts (Supplemental Provisions) Act 1961, and section 24 of the Interpretation Act 2005, do hereby, with the concurrence of the Minister for Justice, make the following rules of court:-

1. (1) These Rules, which shall come into operation on the 25th day of February 2021, may be cited as the District Court (Gaming and Lotteries) Rules 2021.

(2) These Rules shall be construed together with the District Court Rules 1997 (S.I. No. 93 of 1997) and all other District Court Rules.

(3) The District Court Rules as amended by these Rules may be cited as the District Court Rules 1997 to 2021.

2. Proceedings in the District Court concerning any lottery permit issued under section 27 of the Gaming and Lotteries Act 1956, before the day on which section 24(1) of the Gaming and Lotteries (Amendment) Act 2019 came into operation, may be commenced, continued and determined as if these Rules had not come into operation.

3. The District Court Rules 1997 (S.I. No. 93 of 1997) are amended by the substitution for Order 66 of the Order set out in Schedule 1.

4. The forms numbered 66.1 to 66.6 inclusive in Schedule 2 shall be substituted for the forms bearing the like numbers respectively in Schedule C to the District Court Rules 1997 (S.I. No. 93 of 1997).

Schedule 1

“Order 66 Gaming and lotteries

Definition

1. In this Order:

the “1956 Act” means the Gaming and Lotteries Act 1956 (No. 2 of 1956);

the “2019 Act” means the Gaming and Lotteries (Amendment) Act 2019 (No. 44 of 2019).

Venue — Certificate for Gaming Licence

2.(1) An application for the grant of a certificate authorising the issue of a licence permitting gaming at an amusement hall or funfair pursuant to section 15(1) of the 1956 Act may be made at any sitting of the Court for the court area in which the premises sought to be licensed are situate.

Form of Notice

(2) Such application shall be preceded by the issue and service of a notice in the appropriate form (Form 66.1, Schedule C) signed by the applicant or solicitor for the applicant.

Service of notice

(3) Such notice shall be served upon the Superintendent of the Garda Síochána for the locality and upon the Local Authority within whose administrative area the premises are situate at least 28 days before the date of hearing of the application.

Newspaper notice

(4) The applicant shall also cause a notice of the intended application to be published at least 14 days before such date of hearing in a newspaper circulating in the locality.

(5) The provisions of section 24 of the Fire Services Act 1981 shall apply to such application.

Lodgment of notice, etc.

(6) The original of the notice of application, together with a statutory declaration as to service thereof and a copy of the newspaper, shall be lodged with the Clerk at least seven days before the date of hearing.

Order of Court

(7) Where the application is granted the certificate shall be in accordance with Form 66.2, Schedule C.

Venue — Application for Lottery Licence

3.(1) An application for the grant of a licence for the promotion of a lottery pursuant to section 28 of the 1956 Act (as substituted by section 12 of the 2019 Act) may be made at any sitting of the Court for the court area in which it is proposed to promote lotteries to which the application relates.

Form of notice

(2) Such application shall be preceded by the issue and service of a notice in the appropriate form (Form 66.3, Schedule C) signed by the applicant or solicitor for the applicant.

Service and lodgment of notice

(3) Such notice shall be served upon the Superintendent of the Garda Síochána for the district in which the lottery is to be organised at least 28 days before the date of hearing of the application. When service has been effected, the original of the notice, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least seven days before the said date of hearing.

Order of Court

(4) Where the application is granted the licence shall be in accordance with Form 66.4, Schedule C.

Venue- Appeal against refusal to grant gaming permit

4.(1) An appeal pursuant to section 9A(18) of the 1956 Act (as inserted by section 4 of the 2019 Act) against the refusal of a Superintendent of the Garda Síochána to grant a gaming permit may be brought at any sitting of the Court for the court area in which the premises to which the application relates is situated.

Venue- Appeal against refusal to grant lottery permit

(2) An appeal pursuant to section 27B(17) of the 1956 Act (as inserted by section 11 of the 2019 Act) from the refusal of a Superintendent of the Garda Síochána

to grant a lottery permit may be brought at any sitting of the Court for the court area in which the lottery is to be held.

Notice of appeal

(3) An appeal under sub-rule (1) or sub-rule (2) shall be preceded by the issue and service of a notice in the appropriate form (Form 66.5, Schedule C) signed by the appellant or solicitor for the appellant.

Service and lodgment of notice

(4) Such notice shall be served upon the Superintendent of the Garda Síochána concerned at least seven days before the date of the sitting of the Court at which the appeal is to be heard. When service has been effected the original of the notice, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least four days before the date of the said sitting.

(5) The Superintendent shall lodge with the Clerk at least 48 hours before the sitting a copy of the application for the permit and a copy of the decision from which the appeal is being brought.

Order of Court

(6) The order of the Court hearing the appeal shall be in accordance with Form 66.6, Schedule C.

Application for search warrant

— venue

5.(1) An application for the issue of a search warrant under section 39 of the 1956 Act may be made at any sitting of the Court for the court district wherein the place or premises in respect of which the warrant is sought is situated.

— by sworn information

(2) Such application shall be made by the information on oath and in writing (in the Form 66.7, Schedule C) of a member of the Garda Síochána not below the rank of Inspector.

Form of warrant

(3) Where the Court grants the application, a search warrant issued on foot of such information shall be in the Form 66.8, Schedule C.

Application for an order that a licence or permit be revoked or suspended

6.(1) Where possible, an application for an order under section 46 of the 1956 Act (as substituted by section 19 of the 2019 Act) that a lottery licence, lottery permit, gaming licence or gaming permit be revoked or suspended may be made orally to the Court when the Court has determined the criminal proceedings concerned, without the necessity for the issue of a further notice of application, provided that the Court is satisfied that the person to whom the application relates would not thereby be prejudiced.

(2) In any other case, such an application shall be in the Form 40C.01, Schedule C, with any necessary modifications, to which shall be attached a copy of the order of conviction, and shall be served by personal service or by prepaid registered post on the respondent.

(3) If served personally, the notice shall be served at least seven days before the date of the sitting of the Court to which it is returnable; if served by prepaid registered post, the notice must be served at least 14 days before the date of the sitting of the Court to which it is returnable.”

Schedule 2

No. 66.1

SCHEDULE C

O.66,r.2 (2)

Gaming and Lotteries Act 1956

section 15

Application for a certificate

District Court Area of

District No.

..... Applicant

TAKE NOTICE that the above-named Applicant of will apply to the Court sitting at on the ... day of 20.. at ...a.m./p.m. for a certificate under section 15 of the Gaming and Lotteries Act, 1956 (No. 2 of 1956), authorising the issue of a licence permitting gaming at an amusement hall or funfair, namely situate at in said court area, subject to such conditions as may be imposed in accordance with section 15(4) of the said Act.

The number and kinds of games proposed to be carried on are as follows:-

The period in the particular year to which this application relates for which the licence is sought is

AND FURTHER TAKE NOTICE that the applicant will rely on the following matters in support of the application:-

1. The forms of entertainment other than gaming to be provided are as follows:-

Dated this ... day of 20..

Signed

Applicant or Solicitor for Applicant

To the District Court Clerk at

And to the Superintendent of the Garda Síochána at

And to (Local Authority)

SCHEDULE C

O.66,r.2 (7)

Gaming and Lotteries Act 1956, section 15

Certificate for gaming licence

District Court Area of

District No.

WHEREAS:

1. The Local Authority for the County of has by resolution adopted Part III of the above Act and the said resolution is still in force in respect of the area in which the premises hereinafter mentioned are situate,

2. of (hereinafter called the Applicant) has applied to the Court for the grant of a certificate authorising the issue of a licence by the Revenue Commissioners permitting gaming at the Amusement Hall/ Funfair situate at in said court area,

3. Forms of entertainment other than gaming being provided are as follows:-

THE COURT DOTH THEREFORE ORDER that a certificate be and the same is hereby granted to the Applicant for the purposes of Part III of the said Act upon the terms and conditions and subject to the restrictions following, that is to say:-

*1. This Certificate shall, subject to the provisions of the above Act, be in force during the period from the date hereof to the ... day of 20..,

*2. Gaming shall not be carried on at the said Amusement Hall/Funfair otherwise than in accordance with the licence granted on foot hereof and during the following hours:-

*3. Gaming carried on in the said Amusement Hall/Funfair shall be restricted to the following kinds of gaming, to wit

*4 The extent to which gaming of the following kind, namely, may be carried on shall be restricted to.....

A gaming licence is subject to the conditions specified in section 14(1) of the said Act, as amended, namely: : (a) the stake in each game shall not be more than €5 for each player; (b) no player may win more than €500 in each game. The Minister for Justice may by regulations vary the amounts specified in section 14(1) of the said Act.

Dated this ... day of 20...

Signed

Judge of the District Court

*delete where inapplicable

SCHEDULE C

O.66, r.3(2)

Gaming and Lotteries Act 1956, section 28

Application for a lottery licence

District Court Area of

District No.

..... Applicant

TAKE NOTICE that the above-named Applicant of will apply to the Court sitting at on the ... day of 20.. at....a.m./p.m. for a licence under section 28 of the Gaming and Lotteries Act 1956 (as substituted by section 12 of the Gaming and Lotteries (Amendment) Act 2019) for the promotion of periodical lotteries during the period from the ... day of 20.. to the ... day of 20..

AND FURTHER TAKE NOTICE that the following particulars are provided for the purpose of the application:-

1. Particulars of character of the applicant:.....
2. Periodical lotteries already in operation in the locality:.....
3. Purpose of the lottery (including name of any intended beneficiary):.....
4. How the lottery is intended to operate (including frequency):.....
5. The nature and value of each of the prizes and the total value of prizes: (list).....
6. The amount or proportion of the proceeds intended to be devoted to the expenses of promotion, including commission, in connection with the lottery is
7. The proportion of the proceeds intended to be allocated to prizes is

8. The proportion of the proceeds intended to be allocated to a charitable or philanthropic purpose is

[Set out any further particulars relied on in the application]

Dated this ... day of 20...

Signed

Applicant or Solicitor for Applicant

To the Clerk of the District Court at.....

and the Superintendent of the Garda Síochána at.....

SCHEDULE C

O.66, r.3(4)

GAMING AND LOTTERIES ACT 1956

Section 28

LOTTERY LICENCE

District Court Area of

District No.

The Court hereby grants to of a lottery licence authorising the said licensee to promote periodical lotteries in accordance with section 28 of the said Act, during the period from the day of 20.... to the day of 20....

The purpose of the lottery (including name of any intended beneficiary) is:.....

This lottery licence is subject to the conditions specified in section 28(10) of the said Act, namely:

- (a) the holder of the licence shall derive no personal profit from the lottery;

- (b) the value of each prize and the name of the intended beneficiary of the lottery shall be stated on every ticket or coupon or, where the lottery is conducted in a premises, such information shall be prominently displayed at the normal means of access to the premises proposed to be used;

- (c) the total value of the prizes—
 - (i) if more than one lottery is held in any week, shall be not more than €30,000, and
 - (ii) if one lottery is held in any year, shall be not more than €360,000;

- (d) not more than 25 per cent of the total proceeds shall be retained by the holder of the licence and utilised for the expenses of promotion, including commission, and any free entry for the lottery shall be deemed to be a payment of commission to the extent of its value;

(e) not more than 75 per cent of the total proceeds shall be allocated to prizes and not less than 25 per cent shall be allocated to a charitable or philanthropic purpose;

(f) the allocation of the proceeds referred to in paragraphs (d) and (e) shall be made within one month from the date of the holding of the lottery.

Dated this day of 20

Signed

Judge of the District Court

SCHEDULE C

O.66,r.4(3)

Gaming and Lotteries Act 1956

*section 9A(18) (as inserted by section 4 of the Gaming and Lotteries (Amendment) Act 2019)

*section 27B(17) (as inserted by section 11 of the Gaming and Lotteries (Amendment) Act 2019)

Notice of appeal against refusal of superintendent to grant a permit

District Court Area of

District No.

..... Appellant

TAKE NOTICE that the above-named Appellant of will apply to the Court sitting at on the ... day of 20... at ...a.m./p.m. against the refusal of Superintendent of the Garda Síochána at to issue:

*a gaming permit in accordance with section 9A of the Gaming and Lotteries Act 1956, (No. 2 of 1956)

*a lottery permit in accordance with section 27B of the Gaming and Lotteries Act 1956, (No. 2 of 1956)

Dated this ... day of 20.....

Signed

Appellant or Solicitor for Appellant

To:

The Clerk of the District Court at

and to the Superintendent of the Garda Síochána, at

*delete where inapplicable

No. 66.6

SCHEDULE C

O.66,r.4 (6)

Gaming and Lotteries Act 1956

* section 9A(18) (as inserted by section 4 of the Gaming and Lotteries (Amendment) Act 2019)

*section 27B(17) (as inserted by section 11 of the Gaming and Lotteries (Amendment) Act 2019)

Order on appeal from refusal of superintendent to grant permit

District Court Area of

District No.

..... Appellant

UPON the hearing of an APPEAL on the ... day of 20...

brought by the Appellant of against the refusal of the Superintendent of the Garda Síochána at to issue:

* a gaming permit in accordance with section 9A of the above Act

*a lottery permit in accordance with section 27B of the above Act

THE COURT on the ... day of 20... ORDERED that the said appeal be
*Refused / *Allowed.

Dated this ... day of 20...

Signed

Judge of the District Court

* Delete whichever inapplicable

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These rules amend Order 66 and associated forms to facilitate the operation of the Gaming and Lotteries (Amendment) Act 2019.

BAILE ÁTHA CLIATH
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