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REMOTE GAMBLING ACT 2014 (ACT 34 OF 2014)

REMOTE GAMBLING (EXEMPT PERSONS) ORDER 2015

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In exercise of the powers conferred by section 40 of the Remote Gambling Act 2014, the Minister for Home Affairs makes the following Order:

Citation and commencement

1. This Order may be cited as the Remote Gambling (Exempt Persons) Order 2015 and comes into operation on 16 March 2015.

Definitions

2.—(1) In this Order, unless the context otherwise requires —

“business organisation” means a body (corporate or unincorporate) which carries on a business in Singapore, but does not include a public authority or a non-commercial organisation;

“connected event”, in relation to an incidental lottery, has the meaning assigned to it by paragraph 3(2)(a);

“customer lottery” has the meaning assigned to it by paragraph 4(2);

“email address for service”, for Head SCPB CID, means SPF_Lucky_Draw@spf.gov.sg;

“fair” means a fair consisting wholly or principally of the provision of amusements;

“Head SCPB CID” means the Head of the Specialised Crime Policy Branch, Criminal Investigation Department, Singapore Police Force;

“incidental lottery” has the meaning assigned to it by paragraph 3(2);

“newspaper” has the same meaning as in the Newspaper and Printing Presses Act (Cap. 206);

“non-commercial organisation lottery” has the meaning assigned to it by paragraph 5(2);

“non-commercial organisation” means —

- (a) a full member or an associate member of the National Council of Social Service established under section 3 of the National Council of Social Service Act (Cap. 195A) that is not a charity or an institution of a public character;
- (b) a charity within the meaning of section 2(1) of the Charities Act (Cap. 37), but not an exempt charity or institution of a public character within the meaning of that Act; or
- (c) an institution of a public character within the meaning of section 40A of the Charities Act;

“publish in a newspaper” means to publish in at least one newspaper that is published daily in Singapore;

“receipt”, for a lottery, means a document or thing (whether or not in an electronic form) that confers, or can be used to prove, membership of a class of persons for the allocation of prizes in the lottery;

“roll-over”, in relation to a lottery, means an arrangement whereby the fact that a prize is not allocated or claimed in one lottery increases the value of the prizes available for allocation in another lottery;

“standard conditions” means the conditions specified in paragraph 6;

“telecommunication system” has the same meaning as in the Telecommunications Act (Cap. 323).

(2) For the purposes of the definition of “roll-over” in sub-paragraph (1), where prizes are allocated by means of more than one draw —

(a) the draws together constitute a single lottery if the class of persons among whom prizes are allocated is (and, by virtue of arrangements for the sale or supply of receipts, must be) the same in the case of each draw; and

(b) otherwise, the arrangements for each draw constitute a separate lottery.

(3) In this Order, a reference to giving any information, notice or document to Head SCPB CID is a reference to giving the information, notice or document —

(a) by registered post;

(b) by facsimile transmission; or

(c) by an electronic mail at the address for service.

Incidental lotteries

3.—(1) Any person who provides a remote gambling service for individuals to participate in an incidental lottery by the use of remote communication is exempt from sections 10, 11, 12 and 13 of the Act.

(2) A lottery is an incidental lottery if —

(a) the lottery takes place as an incidental activity for entertainment at a fair, dance, dinner, or sporting or athletic event or other similar event in Singapore (called the

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- connected event) such as that may be attended by members of the public or any section of the public;
- (b) the receipts for the lottery are supplied only to individuals attending or who are to attend the connected event;
 - (c) no charge is collected by the organisers of the connected event (whether by way of sponsorship, commission or otherwise) except fees for attending the connected event; and
 - (d) the results of the lottery are made public by the person referred to in sub-paragraph (1) as follows:
 - (i) if the connected event takes place for a continuous period of 7 hours or less, the results are declared on the premises where the connected event is held while the connected event is taking place;
 - (ii) if the connected event takes place for more than 7 hours continuously, the results are published within 7 days after the last day of the connected event, in a newspaper, or on an online location which is accessible to the persons who attended the connected event.

Customer lotteries

4.—(1) Any business organisation which provides a remote gambling service for individuals to participate in its customer lottery by the use of remote communication is exempt from sections 10, 11, 12 and 13 of the Act.

- (2) A lottery is a customer lottery of a business organisation if —
- (a) the lottery is a public lottery conducted by the business organisation for the purpose of promoting the sale of any product or service (other than a gambling service) sold or supplied by that business organisation in the course of business in Singapore;
 - (b) receipts for the lottery are sold or supplied only to a person who has purchased that product or service (called a customer);

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- (c) no charge is collected by the business organisation for any receipt for the lottery except a reasonable charge for the value of the product or service where sold or supplied;
 - (d) the lottery is organised in such a way as to ensure that no profits are made by the business organisation from the lottery;
 - (e) before the start of any draw of the lottery, the material information in sub-paragraph (3) about the lottery is given to customers or to the general public in the manner specified in sub-paragraph (4);
 - (f) at least 4 weeks before any advertisement giving publicity to, or otherwise promoting or that is intended to promote, the lottery is published, the material information in sub-paragraph (3) about the lottery is given to Head SCPB CID, together with a copy of the material information given or to be given to the customers or to the general public;
 - (g) no person who performs any of the activities in section 5(4) of the Act in connection with providing a remote gambling service for individuals to participate in the customer lottery is a person in the business of providing a remote gambling service;
 - (h) the arrangements for the lottery do not include a roll-over; and
 - (i) the standard conditions are satisfied in relation to that lottery.
- (3) For the purposes of sub-paragraph (2)(e) and (f), the material information about a customer lottery are —
- (a) the name and address of the business organisation providing a remote gambling service for individuals to participate in the customer lottery;
 - (b) the arrangements for the lottery, including —
 - (i) the date and time of the draw (or each draw) of the lottery; and
 - (ii) the place for the conduct, and the methodology, of the draw (or each draw) of the lottery; and
 - (c) the prizes and manner of their allocation.

(4) The material information about a customer lottery must be given in the following manner:

- (a) by publishing on printed publicity material that is available to, or on an online location that is accessible by every customer to whom a receipt for that lottery is issued;
- (b) if the total value of prizes for the customer lottery exceeds \$10,000, given to the general public by publishing the material information in a newspaper, or on an online location that is accessible by members of the public.

Non-commercial organisation lotteries

5.—(1) A non-commercial organisation which provides a remote gambling service for individuals to participate in a non-commercial organisation lottery by the use of remote communication is exempt from sections 10, 11, 12 and 13 of the Act.

(2) A lottery is a non-commercial organisation lottery if —

- (a) it is a public lottery promoted wholly by a non-commercial organisation for any of the purposes for which that organisation is conducted;
- (b) the non-commercial organisation keeps a record of the name and address of every individual to whom is given a right in respect of membership of the class among whom prizes in that lottery are to be allocated;
- (c) every individual who is a member of the class of persons for the allocation of prizes in the lottery is issued with a receipt conferring or proving that right;
- (d) the price (if any) payable to participate in the lottery —
 - (i) must be shown on the receipt required by sub-paragraph (c) to be issued to the purchaser; and
 - (ii) must be paid in full to the non-commercial organisation before any receipt is issued to the individual or any right is given to the individual in respect of membership of the class among whom prizes in that lottery are to be allocated;

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- (e) every receipt required by sub-paragraph (c) to be issued must contain all of the following information:
- (i) the name, address and other information to identify the non-commercial organisation;
 - (ii) the details of the prizes;
 - (iii) the date and time of the draw (or each draw) or the means by which the date and time of the draw (or each draw) of the lottery can be ascertained;
 - (iv) the details of arrangements for any prize which is not won, or which is left unclaimed for more than 2 months, or the means by which those details may be ascertained;
- (f) the arrangements for the lottery do not include a roll-over;
- (g) a draw in the lottery must not take place during a period of 12 months after another public lottery has been promoted (whether by way of provision of a remote gambling service or otherwise) by the same non-commercial organisation;
- (h) no person who performs any of the activities in section 5(4) of the Act in connection with providing a remote gambling service for individuals to participate in the lottery is a person in the business of providing a remote gambling service;
- (i) in the case of a non-commercial organisation that is neither a charity nor institution of a public character, all of the net proceeds of the lottery must be applied to a purpose for which that non-commercial organisation is conducted; and
- (j) the standard conditions are satisfied in relation to that lottery.
- (3) For the purposes of sub-paragraph (2)(i), the net proceeds of a public lottery means —
- (a) the total sums payable to participate in the public lottery; less
 - (b) the amounts deducted in respect of costs reasonably incurred by the non-commercial organisation in providing a remote gambling service for individuals to participate in a public

lottery by the use of remote communication, which in no case may exceed 30% of the sums in sub-paragraph (a).

Standard conditions for exempt remote gambling service

6.—(1) The standard conditions applicable to a remote gambling service that is to be provided for individuals to participate by the use of remote communication in a customer lottery, or a non-commercial organisation lottery, are as follows:

- (a) that at least 4 weeks before any advertisement giving publicity to, or otherwise promoting or that is intended to promote, that remote gambling service is published, Head SCPB CID is given the details of how any prize which is not won, or which is left unclaimed after 2 months of the announcement of the winners, is to be disposed of by the organisation providing that service;
- (b) every draw of that lottery —
 - (i) is done in a manner where members of the public or a section of the public may attend the draw; or
 - (ii) if using a computerised system to determine the winner or winners, is done in the manner in sub-paragraph (i) or in a manner where a public accountant not employed by the organisation providing the remote gambling service may witness and audit;
- (c) where any draw of that lottery is done using a telecommunication system, no participant of the lottery is to be required to pay more than 20 cents per telephone call;
- (d) every winner must be notified of the prize won —
 - (i) by ordinary post or by electronic mail at an electronic mailing address provided by the winner; or
 - (ii) by telephone at a telephone number provided by the winner,

unless the prize is already given upon acquiring the right in respect of membership of the class among whom prizes in that lottery are to be allocated;

- (e) if the total value of prizes exceeds \$10,000, the results of the lottery are published, within 7 days after the last draw of the lottery —
 - (i) in a newspaper; or
 - (ii) on an online location which is accessible to the individuals conferred any right in respect of membership of the class among whom prizes in that lottery are to be allocated;
- (f) before the start of any draw of the lottery, the organisation concerned gives to Head SCPB CID a written undertaking to give an audited statement of accounts, together with the results of the lottery and the description and value of the prizes, to Head SCPB CID no later than 3 months after the last draw of the lottery.

Exempt remote gambling service advertising, etc.

7.—(1) The following persons:

- (a) the organiser of a connected event at which an incidental lottery is to take place as an incidental activity for entertainment;
- (b) the business organisation providing a remote gambling service for individuals to participate in its customer lottery;
- (c) the non-commercial organisation providing a remote gambling service for individuals to participate in its non-commercial organisation lottery,

are exempt from sections 15 and 17 of the Act, respectively, for publishing, or authorising the publication of, a remote gambling service advertisement relating to, or by any conduct in Singapore promoting or authorising a promotion in Singapore that is related to —

- (i) the connected event or the incidental lottery;
- (ii) the customer lottery of the business organisation; or

(iii) the non-commercial organisation lottery.

(2) A person who is engaged by another to publish a remote gambling service advertisement or to promote in Singapore a lottery is exempt from sections 15 and 17 of the Act, respectively, for publishing a remote gambling service advertisement relating to, or for promoting in Singapore —

- (a) a connected event or an incidental lottery only if the person is directly engaged by the organiser of the connected event at which the incidental lottery is to take place as an incidental activity for entertainment;
- (b) a customer lottery of a business organisation only if the person is directly engaged by the business organisation providing a remote gambling service for individuals to participate in that customer lottery; or
- (c) a non-commercial organisation lottery only if the person is directly engaged by the non-commercial organisation providing a remote gambling service for individuals to participate in that non-commercial organisation lottery.

Made on 13 March 2015.

LEO YIP
*Permanent Secretary,
Ministry of Home Affairs,
Singapore.*

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