
First published in the *Government Gazette*, Electronic Edition, on 2 August 2022 at 6.30 pm.

No. S 661

GAMBLING CONTROL ACT 2022

GAMBLING CONTROL (FUNDRAISERS — CLASS LICENCE) ORDER 2022

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In exercise of the powers conferred by section 60 of the Gambling Control Act 2022, the Minister for Home Affairs makes the following Order:

Citation and commencement

1. This Order is the Gambling Control (Fundraisers — Class Licence) Order 2022 and comes into operation on 2 August 2022.

Definitions

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

“administrative expenses”, in relation to the conduct of a lottery, includes any commission, salary or other remuneration paid to a person for conducting the lottery or for selling tickets in the lottery;

“approved purpose” means a religious, educational, charitable or benevolent purpose of —

- (a) any charity which is registered under the Charities Act 1994;
- (b) any unregistered charity which is specified in the Schedule to the Charities Act 1994 or is excepted from registration by regulations made under that Act;
- (c) any institution of a public character; or
- (d) any organisation or person granted membership of the National Council of Social Service under section 15(1)(a) or (b) of the National Council of Social Service Act 1992;

“arrangement” means a contract, an agreement, understanding or other arrangement of any kind, in writing;

“benefitting organisation”, in relation to a lottery, means a person or persons for whose benefit the lottery is conducted, being any of the following:

- (a) any charity which is registered under the Charities Act 1994;
- (b) any unregistered charity which is specified in the Schedule to the Charities Act 1994 or is excepted from registration by regulations made under that Act;
- (c) any institution of a public character;
- (d) any organisation or person granted membership of the National Council of Social Service under section 15(1)(a) or (b) of the National Council of Social Service Act 1992;

“class licensee” means a person to whom a class licence by virtue of this Order applies but does not include a person for the time the application of that class licence is suspended or disapplied under the Act;

“eligible person” means any of the following:

- (a) any charity which is registered under the Charities Act 1994;
- (b) any unregistered charity which —
 - (i) is specified in the Schedule to the Charities Act 1994; or
 - (ii) is excepted from registration under the Charities Act 1994 by regulations made under that Act;
- (c) any institution of a public character;
- (d) any organisation or person granted membership of the National Council of Social Service under section 15(1)(a) or (b) of the National Council of Social Service Act 1992;
- (e) any other person who is party to a sponsorship-like arrangement connected with an eligible person mentioned in paragraph (a), (b), (c) or (d) and is not a gambling service agent of such an eligible person (called in this Order a sponsoring eligible person);

“fundraiser lottery” means a lottery (whether or not involving the use of any remote communication to participate in) —

- (a) that is conducted by any person (whether or not also a benefitting organisation) on the basis that the whole or any part of proceeds of the lottery are to be applied by the person for one or more approved purposes; and
- (b) that does not involve the use of, and does not comprise any design element or game mechanic from or involving —
 - (i) any game, method, device, scheme or competition which is specified in the First Schedule; or

- (ii) any variant of such a specified game, method, device, scheme or competition,

regardless that the lottery is conducted to also promote trade in any goods or services (including sale and supply thereof) or any other cause;

“instant lottery” means a lottery the results of which are realisable immediately after the participant in the lottery acquires the right to enter or participate in the lottery;

“institution of a public character” has the meaning given by section 40 of the Charities Act 1994;

“net proceeds”, in relation to a lottery, means the gross proceeds of the lottery less the lower amount of the following:

- (a) the value of all prizes and administrative expenses of conducting the lottery;
- (b) 30% of the gross proceeds of the lottery;

“publicity”, for a fundraiser lottery, means any information or material that gives publicity to, or otherwise promotes or is intended to promote the fundraiser lottery, even though the information or material can reasonably be regarded as intended to achieve any other purpose as well;

“scrutineer” means a person who is registered or deemed to be registered under the Accountants Act 2004 as a public accountant;

“sponsoring eligible person” means an eligible person who is party to a sponsorship-like arrangement connected with an eligible person mentioned in paragraph (a), (b), (c) or (d) of the definition of “eligible person” and is not a gambling service agent of such an eligible person;

“sponsorship-like arrangement” means an arrangement that —

- (a) confers on a person (who must not be an eligible person mentioned in paragraph (a), (b), (c) or (d) of the definition of “eligible person”) a right to associate the person or the person’s goods or services with —

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- (i) any eligible person mentioned in paragraph (a), (b), (c) or (d) of that definition; or
 - (ii) an approved purpose of any eligible person mentioned in paragraph (a), (b), (c) or (d) of that definition; or
- (b) contains an affiliation or association (whether commercial or non-commercial) by a person (who must not be an eligible person mentioned in paragraph (a), (b), (c) or (d) of that definition) with —
- (i) any eligible person mentioned in paragraph (a), (b), (c) or (d) of that definition; or
 - (ii) an approved purpose of any eligible person mentioned in paragraph (a), (b), (c) or (d) of that definition;

“ticket” means a card or token of any kind used for the purposes of determining the prizes in a lottery or claiming an instant prize in a lottery;

“value”, in relation to an item that is a prize in a lottery, means —

- (a) if the item is an antique or a piece of artwork, craftwork or collectible bric-a-brac or is second-hand — the price likely to be paid for the item if sold at auction; and
- (b) in any other case — the retail price, or a reasonable estimate of the likely retail price, of the item.

(2) For the purposes of this Order, publicity is taken to contain information if the information is displayed so as to be clearly visible or is clearly audible having regard to the nature of the publicity and its size or length.

Excluded gambling services

3. This Order does not apply to the provision of any gambling service that is covered by a class licence under —

- (a) the Gambling Control (Minor Gambling — Class Licence) Order 2022 (G.N. No. S 659/2022); or
- (b) the Gambling Control (Trade and Other Promotional Games and Lotteries — Class Licence) Order 2022 (G.N. No. S 660/2022).

Class licence for fundraiser lotteries

4.—(1) Unless exempt under section 128 of the Act, every eligible person who provides a gambling service by conducting a fundraiser lottery at any time on or after 2 August 2022 in or from any place in Singapore, is subject by virtue of this Order to a class licence in connection with the provision of such a gambling service.

(2) Where a fundraiser lottery is conducted, at any time on or after 2 August 2022 in or from any place in Singapore, by a gambling service agent acting under the authority of an eligible person, the gambling service agent is also subject by virtue of this Order to a class licence in connection with the provision of a gambling service by conducting that fundraiser lottery.

(3) However, despite sub-paragraphs (1) and (2), an eligible person, and the gambling service agent of an eligible person, are not, by virtue of this Order, subject to a class licence for a fundraiser lottery conducted on or after 2 August 2022 by the eligible person or the gambling service agent —

- (a) in 2022 or in any subsequent year; and
- (b) for a benefitting organisation (who may or may not also be that eligible person),

if, within that same year, one other fundraiser lottery has earlier been conducted for the benefit of the same benefitting organisation.

(4) To avoid doubt, any fundraiser lottery conducted in or from any place in Singapore between 1 January 2022 and 1 August 2022 (both

dates inclusive) must be reckoned for the purposes of sub-paragraph (3).

Conditions of fundraiser class licence

5. A class licensee by virtue of this Order is authorised to provide a gambling service by conducting a fundraiser lottery, subject to the class licensee taking all reasonably practicable steps to satisfy the following conditions:

- (a) the proceeds distribution requirement in paragraph 6;
- (b) the advertising requirement in paragraph 7 with respect to all publicity for the fundraiser lottery;
- (c) no image of a gambling article specified in the Second Schedule is displayed or used at any time during the conduct of the fundraiser lottery;
- (d) the determination of the winners for the prizes in the fundraiser lottery takes place at the place, date or time in accordance with the publicity for the fundraiser lottery;
- (e) the information requirement in paragraph 8 to the extent applicable;
- (f) the special requirement in paragraph 9, if applicable;
- (g) the prize-winner notification requirement in paragraph 10, if applicable.

Proceeds distribution requirement

6. The proceeds distribution requirement is the requirement that —

- (a) where the class licensee conducting the fundraiser lottery is an eligible person mentioned in paragraph (a), (b), (c) or (d) of the definition of “eligible person” in paragraph 2(1) or a gambling service agent of such an eligible person — the whole of the net proceeds of the fundraiser lottery must be applied for one or more of the approved purposes of that eligible person as is specified in any publicity for the fundraiser lottery; or

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- (b) where the class licensee conducting the fundraiser lottery is a sponsoring eligible person or a gambling service agent of a sponsoring eligible person — the whole of the gross proceeds of the fundraiser lottery must be distributed to the benefitting organisation of the fundraiser lottery as is specified in any publicity for the fundraiser lottery.

Advertising requirement

7. The advertising requirement in relation to a fundraiser lottery is the requirement that any publicity for the fundraiser lottery must not contain or refer in any way to any gambling article specified in the Second Schedule.

Information requirement

8.—(1) The information requirement in relation to any fundraiser lottery is as follows:

- (a) to ensure that the following information is included in any publicity for the fundraiser lottery:
- (i) the name of the class licensee conducting the fundraiser lottery;
 - (ii) the date, place and time for the draw or determination of the fundraiser lottery;
 - (iii) the rules of the fundraiser lottery and the methodology used to determine the winners in the fundraiser lottery;
 - (iv) the prizes that are available (including the manner of allocation of the prizes), whether the prizes were donated or purchased, and if purchased, whether at full cost or with partial sponsorship or any other means;
 - (v) how unclaimed prizes will be dealt with by the class licensee;
 - (vi) the details of how the prize-winners will be notified;

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- (vii) the details of the way in which the results of the fundraiser lottery will be publicised;
 - (viii) the price to be paid for the ticket or for the right to participate in the fundraiser lottery;
 - (ix) the name of the benefitting organisation of the fundraiser lottery;
 - (x) if the class licensee is an eligible person mentioned in paragraph (a), (b), (c) or (d) of the definition of “eligible person” in paragraph 2(1) or a gambling service agent of such an eligible person — the proportion of gross proceeds of the fundraiser lottery to be distributed to the benefitting organisation of the fundraiser lottery or how that sum will be ascertained;
 - (xi) if a gambling service agent is engaged to conduct the fundraiser lottery under the authority of an eligible person, the total amount of fees payable to the gambling service agent or how those fees payable are to be calculated;
 - (xii) other terms and conditions of the fundraiser lottery;
- (b) to publish the material information mentioned in sub-paragraph (a) and connected with the fundraiser lottery, before any tickets or right to participate in the fundraiser lottery are sold or offered for purchase —
- (i) in a newspaper or other publication (such as a magazine) circulating generally throughout Singapore; or
 - (ii) on the Internet website of the class licensee, if any;
- (c) if tickets in the fundraiser lottery are to be distributed before the day on which the lottery is to be drawn, or at places other than the place at which the lottery is to be drawn, to ensure that the material information mentioned in sub-paragraph (a) and connected with the lottery is —
- (i) clearly printed on each ticket; or

- (ii) otherwise made available to the participant in the lottery at the time the ticket is issued to the participant.

(2) It is sufficient compliance with the requirements of sub-paragraph (1)(a) if the material information is printed on a ticket issued in connection with the fundraiser lottery.

(3) However, the requirements in sub-paragraph (1)(a)(vii) and (c) do not apply in relation to a fundraiser lottery that is entirely an instant lottery.

Special requirement for non-instant lotteries

9.—(1) The special requirement applies only in relation to a fundraiser lottery that is not entirely an instant lottery.

(2) If the total value of the prizes in the fundraiser lottery does not exceed \$10,000, the special requirement is as follows:

- (a) a ticket or receipt evidencing the right to participate in the fundraiser lottery must be issued by the class licensee to every person entitled to participate in the fundraiser lottery;
- (b) every determination of winners in the fundraiser lottery is conducted under the supervision of the class licensee, and takes place as follows:
 - (i) in front of an audience at a meeting that —
 - (A) is open to the general public; or
 - (B) is held whether wholly or partly, by electronic communication, video conferencing, tele-conferencing, or other electronic means (like real-time transmission) where the audience may watch the simultaneous audio or visual transmission, through the Internet or other form of communication network, from the place where the meeting is taking place to another place where the audience is present; or

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- (ii) in the presence of a scrutineer who is not associated with the class licensee or otherwise involved in the conduct of the fundraiser lottery;
 - (c) to make and keep accurate records, for a period of at least 5 years after the determination of the fundraiser lottery to which the record relates, of the following matters:
 - (i) the details of the fundraiser lottery, including the time, date, location and method of the determination of the lottery;
 - (ii) the distribution of all prizes to the prize-winners and the details of any unclaimed prizes and the manner in which they were dealt with;
 - (d) to make available in the period specified in sub-paragraph (c) all records required under that sub-paragraph for inspection by the Authority.
- (3) If the total value of the prizes in the fundraiser lottery exceeds \$10,000, the special requirement is as follows:
- (a) a ticket or receipt evidencing the right to participate in the fundraiser lottery must be issued by the class licensee to every person entitled to participate in the fundraiser lottery;
 - (b) every determination of winners in the fundraiser lottery is conducted under the supervision of the class licensee, and takes place either as follows:
 - (i) in front of an audience at a meeting that —
 - (A) is open to the general public; or
 - (B) is held whether wholly or partly, by electronic communication, video conferencing, tele-conferencing, or other electronic means (like real-time transmission) where the audience may watch the simultaneous audio or visual transmission, through the Internet or other form of communication network, from

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- the place where the meeting is taking place to another place where the audience is present;
- (ii) in the presence of a scrutineer who is not associated with the class licensee or otherwise involved in the conduct of the fundraiser lottery;
- (c) to ensure that particulars of the results of every fundraiser lottery are published —
- (i) within 7 days after the determination of the results of the fundraiser lottery, in a major newspaper circulating generally throughout Singapore; or
 - (ii) for a minimum period of 2 months after the determination of those results, on the Internet website of the class licensee conducting the fundraiser lottery;
- (d) to make and keep accurate records, for a period of at least 5 years after the determination of the fundraiser lottery to which the record relates, of the following matters:
- (i) the details of the fundraiser lottery, including the time, date, location and method of the determination of the lottery;
 - (ii) the distribution of all prizes to the prize-winners and the details of any unclaimed prizes and the manner in which they were dealt with;
 - (iii) a statement by a scrutineer mentioned in sub-paragraph (e);
- (e) to obtain a statement by the scrutineer certifying —
- (i) a scrutineer's witnessing the conduct of the fundraiser lottery if that occurred;
 - (ii) the compliance by the class licensee with sub-paragraph (c);
 - (iii) the making by the class licensee of a record in accordance with sub-paragraph (d) in relation to the fundraiser lottery; and

- (iv) the compliance by the class licensee with the prize-winner notification requirement in paragraph 10;
- (f) to make available in the period specified in sub-paragraph (d) all records required under that sub-paragraph for inspection by the Authority.

Prize-winner notification requirement

10.—(1) The prize-winner notification requirement in relation to the conduct of a fundraiser lottery is the requirement —

- (a) to advise each prize-winner (within 7 days after the determination of the results of the lottery) of the prize that the prize-winner has won; and
- (b) to arrange without delay for the relevant prize to be given to each prize-winner.

(2) The prize-winner notification requirement does not apply if the fundraiser lottery is entirely an instant lottery.

FIRST SCHEDULE

Paragraph 2(1)

PROHIBITED GAME, METHOD, DEVICE, SCHEME OR COMPETITION

1. The game of Pai Kow or Pan Tiong.
2. The game of Tien Kow.
3. The game of Tau Ngau.
4. The game of Chap Ji Kee Panjang.
5. The game of Fan Tan or Thuahn.
6. The game of Belankas.
7. The game of Mahjong.
8. The game of Roulette.
9. The game of Rajah Kena.
10. The game of Tikam Tikam.
11. The game of Three Cards or Pa Kau or Sam Cheong or Daun Tiga.

FIRST SCHEDULE — *continued*

12. The game of Pair.
13. The game of Poker.
14. The game of Twenty-one or Blackjack or Pontoon or Yee Sap Yat or Ji It Tiam or Dua Puluh Satu.
15. The game of Fishing or Ang Tiam or Tiew Yue.
16. The game of Five Cards or Tan.
17. The game of Si-Ki-Phuay or Si Ki Pi.
18. The game of See Goh Lak.
19. The game of Tai Sai or Sic Bo or Big Small.
20. The game of Hoo, Hey, How.
21. The game of Soo Sik or See Sek or Si Se Pai.
22. The game of Eight and Nine or Head and Tail or Blue and Red.
23. The game of Dou Tai Chi or Chor Dai Di or Big Two.
24. The game of Baccarat.
25. The game of Craps.
26. The game of Casino War.
27. The game of Mini Dice.
28. The game of Dragon Tiger.
29. The game of Dueling 8's 21.
30. The game of Megalink Bullseye.
31. The game of Three Pictures.
32. The game of 2 Card Action.
33. Any game, device, scheme or competition, which relies on the results of 4D, TOTO, Singapore Sweep and any horse race (inclusive of both physical and simulated horse races held locally and overseas).

SECOND SCHEDULE

Paragraphs 5(c) and 7

IMPERMISSIBLE GAMBLING ARTICLES

1. Dominoes.
2. A Belankas Top or Four-sided Top.
3. Mahjong Tiles.
4. English Playing Cards.
5. A Hoo, Hey, How Dice.
6. Four Colours Cards or Soo Sik Pai.
7. Roulette Wheel.
8. Chap Ji Kee Tiles.
9. A gaming machine.
10. Any list, card, ticket, voucher or other document issued or otherwise used by any licensee in the conduct of a lottery.
11. Blue and Red Dice or Eight and Nine Dice.

Made on 2 August 2022.

PANG KIN KEONG
*Permanent Secretary,
Ministry of Home Affairs,
Singapore.*

[MHA/112/2/00107; AG/LEGIS/SL/116C/2020/4 Vol. 1]

(To be presented to Parliament under section 129 of the Gambling Control Act 2022).