



## Gambling Regulations 2024

No. 2024/01

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### Schedule 1

### Permitted gambling activities

### Schedule 2

### Infringement offences

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**Pursuant to section 176A of the Niue Act 1966 (section 54 of the Criminal Law Code), Cabinet makes the following regulations—**

## Gambling Regulations 2024

### 1 Title

These regulations are the Gambling Regulations 2024.

### 2 Commencement

These regulations come into force on the day after the date on which they are made in accordance with Article 13 of the Constitution.

#### *Preliminary provisions*

### 3 Interpretation

In these regulations, unless the context otherwise requires,—

**Act** means the Niue Act 1966

**gambling** has the meaning given in section 176(3) of the Act (section 53(3) of the Criminal Law Code)

**gambling permit** means a permit to conduct a permitted gambling activity issued under these regulations.

### 4 What constitutes single gambling activity

(1) For the purposes of these regulations,—

(a) each raffle is a single gambling activity;

(b) each session of housie, bingo, or cards is a single gambling activity.

(2) In subclause (1)(b), **session** means a series of 1 or more games of housie, bingo, or cards that are played on the same day.

### 5 Application to gambling activities partly undertaken overseas

These regulations apply to a gambling activity conducted by a person who is present in Niue, even if part of the activity takes place overseas (for example, if persons who are overseas take part in the gambling activity by purchasing raffle tickets or via the Internet).

#### *Permitted gambling activities*

### 6 Permitted gambling activities

(1) Only the gambling activities set out in Schedule 1 are permitted in Niue, subject to the following:

(a) the requirements of these regulations; and

(b) the payment of the relevant fee listed in Schedule 1.

(2) A gambling activity is subject to the applicable gross proceeds limit specified in Schedule 1.

#### *Gambling permits*

### 7 Permitted gambling activity requires permit

(1) A person may conduct a permitted gambling activity only if they hold, and conduct the activity in accordance with, a gambling permit.

(2) A person who has the management, care, or control of premises, a place, or an event, or who is the owner or occupier of premises or a place, must not allow another person to conduct or participate in a gambling activity in those premises,

at that place, or at that event unless the activity is authorised by a gambling permit.

- (3) A gambling permit can relate to more than 1 permitted gambling activity.
- (4) A gambling permit may be issued only—
  - (a) for a one-off gambling activity; or
  - (b) as an annual permit for a maximum of 5 gambling activities in the relevant year.
- (5) A gambling permit applied for under regulation 8(1)(c) can be issued only for a one-off gambling activity.

## **8 Who may apply for gambling permit**

- (1) The following persons only may apply for a gambling permit:
  - (a) a member of a society incorporated under the Incorporated Societies Act 1908 who applies on behalf of that society, if subclause (2)(a) applies:
  - (b) a member of the standing committee of an unincorporated body of persons who applies on behalf of that body, if subclause (2)(b) applies:
  - (c) a person who applies on their own behalf, or on behalf of a group of persons, for the purpose of fundraising, if subclause (2)(c) applies.
- (2) Additional requirements for applicants are that,—
  - (a) in the case of an incorporated society, the society has objects that are principally sport, recreation, or other purposes of benefit to the community and the gambling activity will be conducted for or to support those purposes:
  - (b) in the case of an unincorporated body, the body operates principally for the purposes of sport, recreation, or other purposes of benefit to the community, the gambling activity will be conducted for or to support those purposes, and the body—
    - (i) is substantially permanent in nature; and
    - (ii) has a standing committee (to which the committee member making the application belongs); and
    - (iii) operates a bank account:
  - (c) in the case of a person or group of persons who are fundraising,—
    - (i) the fundraising—
      - (A) is for a purpose of benefit to the community; and
      - (B) is not ongoing in nature; and
      - (C) is not for personal gain or profit; or
    - (ii) the fundraising is part of a show day event and has the approval of the event organisers.

## **9 Application for gambling permit**

- (1) A person may apply for a gambling permit, in writing, to the Chief of Police in the manner and form required by the Chief of Police.
- (2) The application must state whether it is for—
  - (a) a one-off gambling activity; or

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- (b) an annual permit for a maximum of 5 gambling activities in the relevant year.
- (3) The application must contain the following information:
  - (a) the name of the society, body, person, or group of persons that will conduct the proposed gambling activity; and
  - (b) if the person is making the application on behalf of a society, body, or group of persons, evidence of their authority to do so; and
  - (c) evidence that the following persons are 18 years old or over:
    - (i) the applicant; and
    - (ii) the individual who will conduct the proposed gambling activity (whether on their own behalf or on behalf of a society, body, or group of persons); and
  - (d) information that shows compliance with regulation 8(2), as relevant in the particular case; and
  - (e) a description of the proposed gambling activity; and
  - (f) the address of the premises or place or event at which the proposed gambling activity will be conducted; and
  - (g) when the gambling activity will be conducted (which may be set out as a specific date or a period of time); and
  - (h) a description of the prizes; and
  - (i) if the application is for a one-off gambling activity that is a raffle, housie, or bingo, a statement of which gross proceeds limit specified in Schedule 1 is to apply; and
  - (j) any other information required by the Chief of Police.
- (4) If the application is for an annual permit, the application must contain the information required by subclause (3)(c) to (h) for each gambling activity that is proposed to be conducted under the permit.
- (5) The Chief of Police may—
  - (a) require the applicant to provide further information that the Chief of Police considers is necessary to establish eligibility for a permit under these regulations:
  - (b) approve the application either in whole or in part, including by approving the conduct of 1 or more gambling activities listed in the application but not all of them:
  - (c) approve the application and impose conditions—
    - (i) relating to when and where the gambling activity (or, the case of an annual permit, each gambling activity) must or must not be conducted:
    - (ii) if the gambling activity is a raffle, requiring the raffle to be drawn by a constable:
  - (d) decline the application.
- (6) Reasons for declining the application include that a person conducting or otherwise involved with the gambling activity has previously committed an offence or been issued with an infringement notice under these regulations.

- (7) If a condition of a raffle is that it must be drawn by a constable, the Chief of Police may charge the society, body, person, or group of persons conducting the raffle a reasonable fee for this service up to a maximum of \$50.
- (8) The Chief of Police may set dates by which applications must be made to allow time for proper processing.

**10 Permit must be available for inspection by participants**

The following persons must ensure that a gambling permit is available for inspection by those participating in the gambling activity:

- (a) the person who applied for the gambling permit; and
- (b) any other person involved in conducting the gambling activity.

*Offences*

**11 Offence to provide false or misleading information in application**

- (1) A person commits an offence if they provide false or misleading information—
  - (a) in an application for a gambling permit; or
  - (b) when providing further information to the Chief of Police required under regulation 9(3)(j).
- (2) If a person is alleged to have committed an offence under this regulation, they may,—
  - (a) if the Chief of Police believes on reasonable grounds that the person has committed the offence, be issued with an infringement notice under regulation 15; or
  - (b) be proceeded against in the normal manner by the laying of an information against the person.
- (3) A person who is proceeded against under subclause (2)(b) is liable on conviction,—
  - (a) in the case of an individual, to a fine not exceeding 10 penalty units, or to imprisonment for a term not exceeding 6 months, or both; or
  - (b) in the case of an incorporated society, to a fine not exceeding 10 penalty units.

**12 Offence to obstruct Police inspection**

- (1) A person commits an offence if they obstruct or refuse to co-operate with a constable who, in the course of their duties, requests to inspect—
  - (a) a gambling permit; or
  - (b) gambling activity that is underway; or
  - (c) records relating to the conduct of a gambling activity.
- (2) That person is liable on conviction,—
  - (a) in the case of an individual, to a fine not exceeding 10 penalty units, or to imprisonment for a term not exceeding 6 months, or both; or
  - (b) in the case of an incorporated society, to a fine not exceeding 10 penalty units.

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### *Limits on gambling*

#### **13 Limits on conduct of gambling**

- (1) A person conducting a gambling activity must not offer a cash prize of more than \$200.
- (2) A person selling numbers for a raffle for fundraising as part of a show day event—
  - (a) must not sell more than 100 numbers; and
  - (b) must not charge more than \$20 per number.
- (3) A person conducting a gambling activity must not offer liquor as a prize or part of a prize.
- (4) A person conducting a gambling activity must ensure that participants in the activity are 18 years old or over.
- (5) A person conducting a gambling activity must do so only for the relevant purposes under regulation 8(2).

#### **14 Monetary limit for participants in gambling activity**

- (1) A participant in a gambling activity may spend a maximum of \$500 on the activity.
- (2) A person conducting a gambling activity must ensure that no participant spends more than \$500 on the activity.

### *Infringement offences*

#### **15 Infringement offences**

- (1) The Chief of Police may issue an infringement notice to a person if they believe on reasonable grounds that the person has contravened any regulation listed in Schedule 2 and thereby committed an infringement offence.
- (2) The infringement notice must be served by a constable delivering it (or a copy of it) personally to the person's last known place of residence or business.
- (3) The penalties for infringement offences are set out in Schedule 2.

#### **16 Contents of infringement notice**

- (1) An infringement notice—
  - (a) must contain all of the following information:
    - (i) details of the alleged infringement offence that are sufficient to fairly inform the person of the time, place, and nature of the alleged offence;
    - (ii) the amount of the infringement fee;
    - (iii) the address at which the infringement fee may be paid;
    - (iv) that the infringement fee must be paid within 15 days from the date on which it is served;
    - (v) that the person has a right to request a hearing within 15 days from the date on which it is served;
    - (vi) what will happen if the person does not pay the fee and does not request a hearing; and

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- (b) may contain any other information the Chief of Police considers should be included in the notice.
- (2) An infringement notice must be in Niuean and English.

### 17 Procedure

- (1) If the person pays the infringement fee within the required period,—
  - (a) no further action may be taken against them; and
  - (b) no conviction may be entered for the offence.
- (2) If a person does not pay the infringement fee, and does not request a hearing, within the period stated in the infringement notice, proceedings may be commenced against them by filing the notice with the High Court and, for that purpose,—
  - (a) the notice must be treated as an information for the infringement offence; and
  - (b) the High Court is to be treated as having made an order, on the date on which the notice is filed in the High Court, that the defendant pay a fine equal to the amount of the infringement fee together with costs that the High Court considers appropriate, but no conviction may be entered against the person.
- (3) A person requests a hearing by, within the period stated in the infringement notice,—
  - (a) indicating on the infringement notice that—
    - (i) they agree they committed the offence but wish to explain the circumstances to the High Court; or
    - (ii) they believe they did not commit the offence and wish to contest the charges in the High Court; and
  - (b) signing the notice; and
  - (c) delivering the notice to the Police.
- (4) If the person requests a hearing and is found guilty by the High Court, they are liable to a fine equal to the amount of the infringement fee or a lesser amount (if imposed by the High Court) together with costs that the High Court considers appropriate, but no conviction may be entered against the person.
- (5) If an infringement fee becomes a fine by order of the High Court under subclause (2)(b) or (4), the fine must be paid, together with any costs that are ordered, within 14 days after the order.

**Schedule 1  
Permitted gambling activities**

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<b>Permitted gambling activity or permit type</b>	<b>Gross proceeds limit (\$)</b>	<b>Permit fee (\$)</b>
Raffle	1,000	25
	5,000	100
Housie or bingo	500	30
	5,000	200
Card game	500	30
Annual permit	5,000	400
	(per gambling activity)	

**Schedule 2  
Infringement offences**

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<b>Infringement offence</b>	<b>Regulation</b>	<b>Infringement fee (penalty units)</b>
Conducting gambling without a gambling permit	7(1)	1.0
Conducting more than 5 gambling activities under an annual permit	7(1)	5.0
Allowing a person to conduct unauthorised gambling on premises or at place or event	7(2)	2.0
Allowing a person to participate in unauthorised gambling on premises or at place or event	7(2)	1.5
Providing false or misleading information in relation to an application for a permit	11(1)(a) and (b)	5.0
Obstructing Police inspection	12	5.0
Cash prize more than \$200	13(1)	2.0
Selling more than 100 raffle numbers	13(2)(a)	2.0
Selling raffle numbers for more than \$20 each	13(2)(b)	1.5
Providing liquor as a prize	13(3)	5.0
Allowing a person under 18 to participate in gambling	13(4)	5.0
Conducting gambling for any purpose other than benefiting the community	13(5)	1.5
Allowing a participant in a gambling activity to spend more than \$500 on the activity	14(2)	5.0

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Approved by the Cabinet of Ministers at the Cabinet Chambers, Fale Fono, Alofi, this

20<sup>th</sup> day of February 2024.

**Gambling Regulations 2024**

**Signed** by Hon. Dalton Emani Tagelagi  
**Premier**



**Countersigned** by Cassandra Motufoou  
**Clerk to Cabinet**



These regulations are administered by the Niue Police.

These regulations were made on the 20<sup>th</sup> day of February 2024.