



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

LOTTERIES COMMISSION ACT

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to May 6, 2022. It is intended for information and reference purposes only.

This document is ***not*** the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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LOTTERIES COMMISSION ACT

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LOTTERIES COMMISSION ACT **CHAPTER L-17**

1. Definitions

In this Act,

- (a) **“bet”** has the same meaning as that set out in subsection 197(1) of the *Criminal Code*;
- (b) **“Commission”** means the Prince Edward Island Lotteries Commission;
- (c) **“game”** has the same meaning as that set out in subsection 197(1) of the *Criminal Code* and, for greater certainty, includes a game that is not connected to a lottery scheme;
- (d) **“lottery scheme”** has the same meaning as that set out in subsection 207(4) of the *Criminal Code*;
- (e) **“Minister”** means the member of Executive Council designated by the Lieutenant Governor in Council as the Minister responsible for the administration of this Act. 1976,c.20,s.1; 2020,c.50,s.1.

2. Corporation

- (1) There is hereby established a corporation to be known as the Prince Edward Island Lotteries Commission.

Composition of Corporation

- (2) The Commission shall be composed of three members, namely, the Minister, the Deputy Minister of Finance, and one other person appointed by the Lieutenant Governor in Council from the public service of the province.

Chairman and Vice-Chairman

- (3) The Lieutenant Governor in Council shall appoint one member to be Chairman and one member to be Vice-Chairman. 1976,c.20,s.2; 1983,c.1,s.6; 1986,c.5,s.2; 1990,c.32,s.1; 1993,c.29,s.4; 2010,c.31,s.3; 2012,c.17,s.2; 2015,c.28,s.3.

3. Agent of Crown

- (1) The Commission is for all purposes of this Act an agent of the Government and the powers of the Commission under this Act may be exercised only as an agent of the Government.

Crown Proceedings Act

- (2) The *Crown Proceedings Act* R.S.P.E.I. 1988, Cap. C-32 shall apply to actions and proceedings against the Commission.

Protection from personal liability

- (3) The members of the Commission are not personally liable for any loss or damage suffered by any person by reason of anything done or omitted to be done in good faith by all or any of them in the purported exercise of any power pursuant to this Act. *1976, c.20, s.3; 2020, c.50, s.2; 2022, c.62, s.43.*

4. Property vested in

- (1) Property acquired by the Commission is the property of the Government and title thereto may be vested in the name of the Government or in the name of the Commission.

Exemption from taxation

- (2) The Commission and its property are exempt from taxation under or pursuant to any Act of the Legislature. *1976, c.20, s.4; 2022, c.62, s.43.*

5. Head office of Corporation

The head office of the Commission shall be in the City of Charlottetown in the province or in such other place in the province as the Commission may by bylaw determine. *1976, c.20, s.5.*

6. Bylaws

The Commission may, subject to the approval of the Lieutenant Governor in Council, make bylaws not contrary to the law or to this Act for

- (a) the administration, management and control of the property and affairs of the Commission;
- (b) the functions, duties and remuneration of all officers, agents and employees of the Commission;
- (c) the time and place for the holding of meetings by the Commission and the procedure in all things at such meetings including the quorum thereof;
- (d) the powers and duties of the Chairman and the Vice-Chairman and the ordinary management of the Commission;
- (e) authorizing and controlling the use of marks, signs, advertisements and other devices created and used to further the purposes of the Commission; and
- (f) the conduct in all other particulars of the affairs of the Commission. *1976, c.20, s.6.*

7. Powers of Commission

The Commission may, with the approval of the Lieutenant Governor in Council,

- (a) develop, organize, undertake, conduct and manage lottery schemes or pari-mutuel betting systems on behalf of the government of the province or on behalf of the government of the province and the governments of other provinces that have any agreement with this province respecting any such lottery schemes or pari-mutuel betting systems;
- (b) enter into arrangements or agreements to develop, organize, undertake, conduct and manage lottery schemes or pari-mutuel betting systems on behalf of the governments of one or more of the provinces or any agencies thereof;
- (c) enter into and carry out agreements with the governments of one or more of the provinces or any agencies thereof for the purpose of incorporating a body corporate

- to undertake, conduct and manage lottery schemes or pari-mutuel betting systems on behalf of the parties thereto; and
- (d) do all such other things as the Commission may consider necessary in respect of lotteries or pari-mutuel betting systems. *1976,c.20,s.7; 1998,c.93,s.1.*

8. Interprovincial agreements

Where pursuant to an agreement entered into under the authority of clause 7(c), a body corporate has been incorporated, the Minister, with the approval of the Lieutenant Governor in Council, may enter into an agreement with the other governments concerned, whereby the body corporate may be designated as and become an agency of the Government and of the other jurisdictions for the purpose of conducting and managing a lottery scheme or pari-mutuel betting system in this province and other provinces. *1976,c.20,s.8; 1998,c.93,s.2; 2022,c.62,s.43.*

9. Required term of any agreement

All agreements authorized by this Act shall contain a provision whereby the Commission shall share in the distribution of the proceeds of lottery schemes or pari-mutuel betting systems operated in this province and any other province in accordance with such formula as is approved by the Lieutenant Governor in Council. *1976,c.20,s.9; 1998,c.93,s.3.*

10. Net profits, paid into

The net profits of the Commission, after provision for prizes and the payment of expenses, shall be paid into the Operating Fund of the province at such time and in such manner as may be prescribed by the Lieutenant Governor in Council by regulation. *1976,c.20,s.10; 1997,c.20,s.3.*

11. Payments or advances to Commission

The Minister of Finance may pay or advance to the Commission amounts necessary for the attainment of its objects in such amounts, at such times, in such manner and on such terms and conditions as the Lieutenant Governor in Council prescribes. *1976,c.20,s.11; 1983,c.1,s.6; 1986,c.5,s.2; 1993,c.29,s.4; 2010,c.31,s.3; 2012,c.17,s.2; 2015,c.28,s.3.*

12. Administration costs

The cost of administering this Act shall be paid by the Commission out of the proceeds of lotteries or pari-mutuel betting systems, or both conducted pursuant to this Act. *1976,c.20,s.12; 1998,c.93,s.4.*

13. Audit

The accounts and financial transactions of the Commission shall be audited by the Auditor General. *1976,c.20,s.13; 1980,c.10,s.21.*

14. Annual report

- (1) The Commission shall, within two months after the termination of its financial year, present to the Minister a report in such form as the Minister may direct on the operations of the Commission for that financial year and the Minister shall cause the report to be laid before the Legislative Assembly within fifteen days after the receipt thereof or if the Legislative

Assembly is not then sitting, on any of the first fifteen days next thereafter that the Legislative Assembly is sitting.

Financial year

- (2) The financial year of the Commission shall coincide with that of the province. *1976, c.20, s.14.*

15. Regulations

The Lieutenant Governor in Council may make such regulations as may be necessary for the administration of this Act or to make provision for matters required for the purpose of this Act and without limiting the generality of the foregoing may make regulations

- (a) respecting the conduct, management and operation of lottery schemes or pari-mutuel betting systems under this Act;
- (b) respecting the amounts and values of prizes and the terms and conditions to be attached thereto;
- (c) respecting the consideration to be paid or given to secure a chance to win prizes;
- (d) respecting agents and sellers and the fees or commissions to be given to them in respect of the distribution or sale of tickets or other chances in any lottery schemes under this Act;
- (e) respecting the manner in which tickets or other chances in any lottery schemes under this Act are to be sold or made available to the public;
- (e.1) prescribing the forms of identification acceptable as proof of the age of a person;
- (f) defining any words or expressions not defined in this Act. *1976, c.20, s.15; 1998, c.93, s.5; 2008, c.52, s.1.*

16. Definitions

- (1) In this section,
- (a) “**owner agreement**” means an agreement made, pursuant to section 12 of the regulations, between the Corporation and a person who holds a certificate;
 - (b) “**certificate**” means a certificate granted, pursuant to section 11 of the regulations, by the Corporation to the owner of a video lottery device;
 - (c) “**Corporation**” means the Atlantic Lottery Corporation Inc.;
 - (d) “**regulations**” means the Video Lottery Scheme Regulation (EC361/91) as it reads immediately before the coming into force of this Act.

Certificates expire, agreements terminate

- (2) Notwithstanding any enactment or agreement to the contrary,
- (a) all certificates are cancelled and cease to be valid at midnight on December 31, 2002, and after that time they shall have no further force and effect;
 - (b) no certificate shall be renewed, and no further certificate shall be granted or issued by the Corporation; and
 - (c) all owner agreements are terminated at midnight on December 31, 2002.

No right to compensation

- (3) Notwithstanding any enactment or agreement to the contrary, no person has any right to compensation or damages of any kind in respect of any loss or damage suffered or alleged to be suffered by reason of

- (a) the cancellation, invalidity, lack of force and effect of, and the non-renewal of or failure to grant, any certificate pursuant to subsection (2);
- (b) the termination of any owner agreement pursuant to subsection (2); or
- (c) any failure or alleged failure to provide notice of a matter referred to in clauses (a) and (b).

Transitional

- (4) Nothing in this section prevents the Corporation from entering into transitional agreements with a person affected by subsection (2). *2002, c.16, s.1.*

16.1 Immunity from liability

- (1) Except as provided in subsection (2),
 - (a) no cause of action arises against the Government, the Commission or Atlantic Lottery Corporation Inc., or any officer, director, employee or agent of the Commission or Atlantic Lottery Corporation Inc., as a direct or indirect result of, relating to or arising from a person playing a game or placing a bet, whether in connection with a lottery scheme or not;
 - (b) no proceeding based on a purported cause of action set out in clause (a) shall be instituted or continued against the Government, the Commission or Atlantic Lottery Corporation Inc., or any officer, director, employee or agent of the Commission or Atlantic Lottery Corporation Inc., regardless of whether the cause of action on which the proceeding is purportedly based arose before or after the coming into force of this section; and
 - (c) a proceeding referred to in clause (b) that was commenced before this section came into force is deemed to have been dismissed without costs on the day this section comes into force.

Negligent act or omission

- (2) Notwithstanding subsection (1), a person who has played a game or placed a bet may bring an action against Atlantic Lottery Corporation Inc. to recover an amount equal to the loss or damage proved to have been suffered by that person caused by a negligent act or omission of Atlantic Lottery Corporation Inc. related to the operation of the game or the taking of the bet, but the recoverable damages shall be compensatory only and shall not include punitive or exemplary damages.

Class action barred

- (3) Notwithstanding any other enactment, an action permitted under subsection (2) shall not be instituted or continued by way of a class action or representative proceeding.

No cause of action

- (4) No cause of action arises against the Government, the Commission or Atlantic Lottery Corporation Inc., or any officer, director, employee or agent of the Commission or Atlantic Lottery Corporation Inc., as a direct or indirect result of the coming into force of subsections (1) and (3). *2020, c.50, s.3.*

17. Sale of lottery ticket or pari-mutuel ticket to person under 19

- (1) No person shall sell or offer to sell a lottery ticket or pari-mutuel ticket to a person under the age of 19 years.

Purchase of lottery ticket or pari-mutuel ticket for person under 19

- (2) No person shall purchase or attempt to purchase a lottery ticket or pari-mutuel ticket on behalf of, or for the purpose of resale to, a person under the age of 19 years.

Defence-person appearing to be over 19

- (3) It is not a defence to a prosecution for a contravention of this section for the defendant to show that the person under the age of 19 years appeared to be 19 years of age or older.

Sale or supply to person appearing to be under 19

- (4) No person shall sell or supply a lottery ticket or pari-mutuel ticket to a person who appears to be under the age of 19 years unless that person first produces, as proof that he or she is 19 years of age or older, a prescribed form of identification that shows his or her age and that contains a photograph of the person.

Alteration of prescribed form of identification

- (5) No person shall sell or supply a lottery ticket or pari-mutuel ticket to a person who produces, as proof of his or her age, a document that is a prescribed form of identification if it appears that the document has been altered or is not authentic. *2008,c.52,s.2*

18. Offences and penalties

Every person who contravenes a provision of this Act or the regulations is guilty of an offence and liable on summary conviction

- (a) for a first offence, to a fine not exceeding \$2,000;
- (b) for a second offence, to a fine not exceeding \$5,000; and
- (c) for a third or subsequent offence, to a fine not exceeding \$10,000. *2008,c.52,s.2*