

Gouvernement du Québec

O.C. 1107-2007, 12 December 2007

An Act respecting lotteries, publicity contests and amusement machines
(R.S.Q., c. L-6)

Bingo

— **Lottery Schemes**
— **Amendments**

Regulation respecting bingo and amending the Lottery Schemes Regulation

WHEREAS sections 34, 36 and 49.0.1, subparagraphs *a*, *b*, *c* and *d* of the first paragraph and the second paragraph of section 119 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6) empower the Government to regulate the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 6 June 2007 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments to take into account the comments received following the publication in the *Gazette officielle du Québec*;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT the Regulation respecting bingo and amending the Lottery Schemes Regulation, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting bingo and amending the Lottery Schemes Regulation*

An Act respecting lotteries, publicity contests and amusement machines
(R.S.Q., c. L-6, ss. 34, 36, 49.0.1 and 119, 1st par., subpars. *a*, *b*, *c*, *d* and 2nd par.)

DIVISION I
DEFINITIONS

1. For the purposes of the first paragraph of section 49.0.1 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6) and this Regulation,

“charitable purposes” means objects or purposes intended to relieve suffering or poverty and those intended to promote education or achieve any other objective favourable to the population in the fields of culture, the arts, sports or community interests; (*fins charitables*)

“religious purposes” means objects or purposes intended to promote a religions doctrine. (*fins religieuses*)

DIVISION II
CATEGORIES OF LICENCES

2. The categories of licences in the bingo lottery scheme are as follows:

- (1) in-hall bingo licence;
- (2) media bingo licence;
- (3) recreational bingo licence;
- (4) fair or exhibition bingo licence;
- (5) agricultural concession bingo licence;
- (6) bingo licence for a public place of amusement;
- (7) bingo hall manager’s licence; and
- (8) bingo supplier’s licence.

* The Lottery Schemes Regulation, made by Order in Council 2704-84 dated 5 December 1984 (1985, *G.O.* 2, 11), was last amended by the regulation made by Order in Council 510-98 dated 8 April 1998 (1998, *G.O.* 2, 1621). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 September 2007

Operation of the licences is governed by the Bingo Rules made by the Régie des alcools, des courses et des jeux and approved by Order in Council 1108-2007 dated 12 December 2007, as they read at the time they are applied.

3. An in-hall bingo licence, a media bingo licence and a recreational bingo licence may be issued only to a charitable or religious organization.

An in-hall bingo licence may authorize the holder to sell instant win tickets.

4. A fair or exhibition bingo licence may be issued only to the board of a fair or exhibition.

5. An agricultural concession bingo licence may be issued only to the operator of a concession leased from the board of a fair or exhibition.

6. A bingo licence for a public place of amusement, a bingo hall manager's licence and a bingo supplier's licence may be issued to a person or partnership.

DIVISION III VALIDITY AND APPLICATION DEADLINE

7. The period of validity of a licence referred to in section 2 is determined as follows:

(1) an in-hall bingo licence and a bingo hall manager's licence are valid for one year

(a) beginning on 1 June of a year and ending on 31 May of the following year, if the hall covered by the application is situated in any of the following regions: 01 Bas St-Laurent, 02 Saguenay-Lac-Saint-Jean, 04 Mauricie, 05 Estrie, 07 Outaouais, 08 Abitibi-Témiscamingue, 09 Côte-Nord, 10 Nord du Québec, 16 Montérégie or 17 Centre-du-Québec; and

(b) beginning on 1 December of a year and ending on 30 November of the following year, if the hall covered by the application is situated in any of the following regions: 03 Capitale-Nationale, 06 Montréal, 11 Gaspésie-Îles-de-la-Madeleine, 12 Chaudières-Appalaches, 13 Laval, 14 Lanaudière or 15 Laurentides;

(2) a fair or exhibition bingo licence and an agricultural concession bingo licence are valid for the duration of the fair or exhibition for which they are issued;

(3) a bingo licence for a public place of amusement is valid for the duration of the festival for which it is issued; and

(4) a media bingo licence, a recreational bingo licence and a bingo supplier's licence are valid for one year beginning on the date indicated on the licence.

For the purposes of subparagraph 1, the administrative regions are those described in Order in Council 2000-87 dated 22 December 1987 respecting the revision of the boundaries of the administrative regions of Québec, as it reads at the time it is applied.

8. A licence application must be sent to the board at least 60 days before the date on which the applicant proposes to carry on the activities authorized by the licence.

Despite the foregoing, an application for an in-hall bingo licence and a bingo hall manager's licence must be sent at least four months before the beginning of the period of validity of the licence applied for, as determined in section 7.

9. At least 30 days before the beginning of the period of validity of an in-hall bingo licence or a bingo hall manager's licence, the board must send the applicant a notice informing the applicant of the processing status of the application.

DIVISION VI FEES AND DUTIES

§1. Examination fees

10. The fees payable for the examination of an application for the issue of a licence referred to in section 2, other than a recreational bingo licence, are \$115.

§2. Duties

11. The duties payable for the issue of an in-hall bingo licence and a media bingo licence are determined on the basis of the funding needs established pursuant to subparagraph 7 of the first paragraph of section 38 of the Bingo Rules. The duties are

(1) \$50 if the funding needs are less than \$2,000;

(2) \$100 if the funding needs are \$2,000 or more but less than \$4,000;

(3) \$250 if the funding needs are \$4,000 or more but less than \$7,500;

(4) \$350 if the funding needs are \$7,500 or more but less than \$15,000;

(5) \$550 if the funding needs are \$15,000 or more but less than \$30,000;

(6) \$750 if the funding needs are \$30,000 or more but less than \$45,000;

(7) \$950 if the funding needs are \$45,000 or more but less than \$60,000;

(8) \$1,050 if the funding needs are \$60,000 or more but less than \$75,000;

(9) \$1,200 if the funding needs are \$75,000 or more but less than \$90,000; and

(10) \$1,350, if the funding needs are \$90,000 or more.

If the in-hall bingo licence authorizes the holder to sell instant win tickets, duties of \$520 are added to those prescribed in the first paragraph if the applicant's funding needs are \$15,000 or more.

12. The duties payable for the issue of a recreational bingo licence are \$15, regardless of the number of bingo events held during the period of validity of the licence.

13. The duties payable for the issue of a fair or exhibition bingo licence and an agricultural concession bingo licence are \$60 per day on which bingo is conducted and operated during the fair or exhibition.

14. The duties payable for the issue of a bingo licence for a public place of amusement are \$60 per day on which bingo is conducted and operated during the festival.

15. The duties payable for the issue of a hall manager's licence are determined, for a particular hall, on the basis of the value of the prizes awarded to winners during the period of validity of the licence. The duties correspond to 0.37% of the value of the prizes awarded to winners of regular games and special games, including progressive jackpots and consolation prizes, and instant win tickets.

16. The duties payable for the issue of a bingo supplier's licence are \$1,000.

17. The duties payable for the issue of a duplicate of a lost, destroyed or damaged licence are \$5.

§3. *Miscellaneous*

18. Payment of the examination fees under this Regulation must be made to the board at the time the licence application is filed. The fees are not refundable.

19. Payment of the duties under this Regulation must be made to the board at the time the application for the issue of a licence is filed.

Despite the foregoing, the duties payable for the issue of a bingo hall manager's licence are determined monthly on the basis of the value of the prizes awarded to winners in the preceding month, according to the percentage in section 15. They must be paid to the board on or before the twenty-fifth day of the month following the month considered for calculation purposes and be accompanied by the following information:

(1) the name, address and licence number of the bingo hall manager;

(2) the name and address of the bingo hall;

(3) the month covered by the payment; and

(4) the total value of the prizes awarded in the month to winners of regular games and special games, including progressive jackpots and consolation prizes, and instant win tickets.

20. Payment of the fees and duties under this Regulation may be made in cash or by cheque or postal order made out to the Minister of Finance, or using an electronic payment means.

21. Beginning on 1 April 2009, the fees and duties under this Regulation are adjusted on 1 April of each year based on the percentage change in the general Consumer Price Index for Canada, as determined by Statistics Canada, for the period beginning on 1 January and ending on 31 December of the preceding year.

The adjusted fees and duties are rounded off to the nearest dollar.

For the purposes of the first paragraph, the board is to publish each year, as soon as possible after their determination, the new fees and duties by means of a notice in Part 1 of the *Gazette officielle du Québec* and, if the board considers it appropriate, by any other means.

DIVISION V AMENDING PROVISIONS

22. Section 1 of the Lottery Schemes Regulation is amended

(1) by replacing the definition of "charitable purposes" by "means objects or purposes intended to relieve suffering or poverty and those intended to promote

education or achieve any other objective favourable to the population in the fields of culture, the arts, sports or community interests”;

(2) by replacing the definition of “religious purposes” by “means objects or purposes intended to promote a religious doctrine”;

(3) by striking out the definition of “public place of amusement”.

23. Paragraph 3 of section 3 is amended by striking out “any person in a public place of amusement, or”.

DIVISION VI TRANSITIONAL AND FINAL

24. Despite the second paragraph of section 8, any person or partnership intending to carry on the activities authorized by an in-hall bingo licence or a bingo hall manager’s licence on 1 June 2008 must send the licence application to the board not later than 1 April 2008.

25. Despite subparagraph 1 of the first paragraph of section 7, in-hall bingo licences and bingo hall manager’s licences for a hall situated in any of the regions referred to in subparagraph *b* of that subparagraph are valid for an 18-month period beginning on 1 June 2008, if the applicants of such licences have sent their application to the board in accordance with section 24.

In that case and despite section 11, the duties payable for the issue of an in-hall bingo licence referred to in the first paragraph are

- (1) \$75 if the funding needs are less than \$3,000;
- (2) \$150 if the funding needs are \$3,000 or more but less than \$6,000;
- (3) \$375 if the funding needs are \$6,000 or more but less than \$11,250;
- (4) \$525 if the funding needs are \$11,250 or more but less than \$22,500;
- (5) \$825 if the funding needs are \$22,500 or more but less than \$45,000;
- (6) \$1,125 if the funding needs are \$45,000 or more but less than \$67,500;
- (7) \$1,425 if the funding needs are \$67,500 or more but less than \$90,000;

(8) \$1,575 if the funding needs are \$90,000 or more but less than \$112,500;

(9) \$1,800 if the funding needs are \$112,500 or more but less than \$135,000; and

(10) \$2,025, if the funding needs are \$135,000 or more.

If the in-hall bingo licence authorizes the holder to sell instant win tickets, duties of \$780 are added to those prescribed in the preceding paragraph if the applicant’s funding needs are \$22,500 or more.

26. The licences referred to in section 1 of the Regulation respecting bingos made by Order in Council 1270-97 dated 24 September 1997 that are in force on 31 May 2008 cease to have effect on that date, except recreational bingo licences, agricultural concession bingo licences and bingo licences for a public place of amusement, which remain in force until their respective expiry date.

27. The duties paid by the holder of an in-hall bingo licence or a media bingo licence pursuant to subparagraph 1 or 4 of the first paragraph of section 9 of the Regulation respecting bingos made by Order in Council 1270-97 dated 24 September 1997 for every bingo event authorized by the holder’s licence and planned after 31 May 2008 are refunded to the holder.

28. The annual duties of \$550 paid by the holder of a bingo hall operator’s licence pursuant to the first paragraph of section 8 of the Regulation respecting bingos made by Order in Council 1270-97 dated 24 September 1997 and covering in particular the period between 1 June 2008 and the expiry date of the holder’s licence are refunded to the holder in proportion to the number of days within that period.

In addition, the amounts paid by the holder for every bingo event authorized by the licence and planned after 31 May 2008 are refunded to the holder.

29. This Regulation replaces the Regulation respecting bingos made by Order in Council 1270-97 dated 24 September 1997.

30. This Regulation comes into force on 1 June 2008 except the first paragraph of section 2, subparagraph *b* of subparagraph 1 of the first paragraph of section 7, sections 8, 10 to 14, 16 and 18, the first paragraph of section 19 and sections 20, 24 and 25, which come into force on 11 January 2008.