

Requirements and Guidelines for Prize Competitions

Generally, all applicants seeking authorization from the **Betting, Gaming and Lotteries Commission**, pursuant to **s. 58 of the Betting, Gaming and Lotteries Act (“BGLA”)**, to conduct **Prize Competitions** should submit a **complete application**, accompanied by the prescribed fees at least **fourteen (14) days** prior to the proposed commencement: **See ITEM 11. *Commencement means the start date of the competition and/ or the start date of the promotion for the competition.***

There are two (2) main types of prize competitions that are governed by the BGLA, these are competitions:

- (a) in which the prizes are offered for the forecast of the result of either-
 - (i) Of a future event; or
 - (ii) Of a past event, the result of which is not yet ascertained or not yet generally known;
- (b) Where success is not dependent on a substantial degree upon the exercise of skill.

Importantly, both must be conducted either in the media (print or electronic) or in connection with a trade or business or the sale of an article to the public and there must be an entrance fee, stake, contribution or subscription payable for a right to enter/participate.

APPLICATION STAGE

There is no prescribed application form, however, a complete application should contain all details of the proposed competition which includes the following –

1. Name of the competition

The name of the competition must be clearly stated in the application. In designing a name, applicants are advised to avoid the use of terms such as “Sweepstake”, “Raffle” and “Jackpot”.

2. Duration of the competition

The commencement date of the competition must be included in the application. In the event of promotional activities commencing before the actual start date of the competition, this must also be stated.

The final date of the competition must also be included. The final date refers to the date on which entries to the competition cease being accepted by the promoter. Where there is a time-line being observed, the actual cut off time must be stated, e.g. 4:00pm Friday, the 7th of February 1945.

3. Mechanics/Rules

A detailed account of all the mechanics and rules relating to the proposed competition is required, and should include, but not limited to, factors such as:

- a. the contribution (if any) to participate in the competition. In instances where specific amount of money is required, it should be stated if the amount includes GCT.
- b. application of an age restriction;
- c. the quantity, range, and frequency which the consumer is required to purchase goods and services in order to enter the competition;
- d. the information required to complete an entry or whether the promoter requires the consumer to text or call a particular number to participate.
- e. the exercise of minimum skill that is required to make an entry or winning valid (e.g. **Correctly** stating or completing a phrase, slogan or tag line).
- f. information regarding the number of winners for the competition and the frequency of draws;
- g. entities excluded from participating in the competition must be named, and in the case of family members, specific reference made e.g. parents, spouse, siblings and children, etc;
- h. the names and addresses of all locations/outlets that will facilitate the conduct of the competition.
- i. If a closing date is applicable, it must be prominently placed on all promotional material. Where a closing date is not applicable, for instance, where the offer is said to be “available while stock lasts”, this must be clearly stated on any promotional material and at the point of entry.

- j. All rules must be stated using clear language. Do not use terms that you are unable to define and which the ordinary public or those targeted in the promotions would have difficulty understanding. The rules approved by the Commission will be used to settle any disputes arising in relation to the competition between the promoter and participants. **Any ambiguity in the rules will be resolved in favour of the participant.**

- k. All the rules must be easily accessible throughout the competition. Either in a form retainable by entrants (a leaflet) or directing them to a web page which sets out all the rules.

- l. All information published in relation to the competition must match what has been approved by the Commission.

- m. No changes are to be made to the rules except with the prior approval of the Commission and prior to the start of the competition and no changes are to be made to the rules after the commencement of the competition. Where permission is requested to change/modify/amendment the rules submitted in the application, the application will be treated as an incomplete application and will attract the relevant fee.

4. **Method of selecting winner/s**

Promoters must state how the winners will be selected, whether **manually** (entry coupons drawn from a drum or box) or **electronically** (a database is created and the winner/s are randomly selected via computer) or selection is made by a **panel of judges**. Where the selection is to be done electronically, the Commission reserves the right to have an officer conduct preliminary checks on the system prior to the draw having received notice in writing **three (3) working days** prior to the draw.

Promoters must also indicate the **order of selection** of the winners.

Prior to announcing the winner(s), the necessary checks should be made to ensure that such person(s) is not a member of an excluded category of persons.

5. Date of selection

The date, time and venue of the selection of winners must be stated by the promoter. Where selection is being conducted frequently/periodically, this must be stated and the corresponding dates and time for the period should be supplied. For example, where draws will be done on the last Friday of each month, this should be indicated.

6. Method of notifying winners

The medium/media to be used to notify winners must be clearly stated along with the mechanics of it. For example, where the medium to be used is the telephone, promoters should state the maximum/minimum number of calls/attempts will be made during the period in which contact will be made before contacting the back-up winner. [This is to facilitate failed attempts].

7. Promotional material

Promoters are required to submit a “mock up” of **ALL** proposed promotional material as well as scripts for radio and television advertisements.

The initial advertisement of the competition must state **ALL** the rules of the competition and include the following statement:

“Authorized under section 58(3) of the Betting, Gaming and Lotteries Act.”

While all promotional materials need not contain all the rules of the competition, reference must be made to the date of the initial/first publication. However, all the rules should be made available/accessible throughout the competition.

8. Detail of prize/s

A specific description of the prize/s must be given along with evidence of its existence for this purpose. The following information is required in relation to the corresponding prizes, along with any other information deemed necessary:

APPLIANCES - the brand, size and model number.

MOTOR VEHICLES - the year, make, model and type must be stated.

WEEKEND AT A HOTEL – the duration, number of persons to be accommodated, type and who should bear taxes or fees that may accrue

TRIPS ABROAD – the duration, carrier, type of ticket, entity responsible for payment of taxes and fees, accommodation, whether prize is transferable, disclaimers in relation to travel documents, where spending money is applicable, the amount and currency should be declared.

In relation to **weekend at hotel** and **trips abroad**, any blackout dates must be stated.

In the event that a prize is no longer available as specified in the promotional materials, a prize of an equal or higher value but similar in nature should be given to the winner.

9. Claiming period

The promoter must indicate the period of time within which winner/s must claim their prizes; what will happen to the prizes in the event that it was not claimed (that is, whether it will be retained by the promoter or given to a charity (which must be named in the application) or whether another draw will be conducted.

All documents relating to the prize competition must be retained by the promoter for a period of 90 days after the completion of the prize competition.

10. Fees

The relevant fees must accompany the application. Please refer to the schedule of fees on our website www.bglc.gov.jm

11. Submission and approval of application

The Commission offers two (2) services to persons who are interested in carrying on a prize competition. There is the regular service and an express service.

For the regular service, all “complete” applications must be submitted at least **fourteen (14) days** prior to the proposed commencement date. However, where an application is submitted less than **fourteen (14) days** prior to the commencement date, **but** not less than **five (5) working days** prior a late fee shall be charged.

The express service is available where “complete” applications are submitted within two **(2) to five (5) working days** prior to the commencement date and shall attract an express delivery fee.

Any incomplete application submitted shall attract an incomplete application fee. An incomplete application is one which fails to comply with any one of the requirements outlined in **Items 1-9** above.

Promotions must not commence prior to receipt of a letter of approval from the Commission. Failure to comply with this will result in the application of sanctions/penalties.

Once the Commission has given approval for a competition the fees paid to process the application are non-refundable.

Where a promoter seeks to cancel an application prior to approval, the fees paid are refundable less an administrative fee.