

# **Gambling in Portugal**

## **Information Leaflet**

### **Introduction**

This leaflet has been produced to enable the public to have concise information in layman's terms about gambling in Portugal. The information contained in this document has been provided by Serviço de Inspeção de Jogos do Turismo de Portugal and the Ministry of Internal Affairs (SGMAI) regarding applications. It is not possible to include exhaustive details covering individual circumstances and any enquiries concerning its contents or any specific questions concerning gambling should be addressed to Serviço de Inspeção de Jogos, or SGMAI regarding applications, or referred to a solicitor.

### **Law concerning organizing, participating in and being present where illegal gambling is taking place**

Gambling operations may not take place, be participated in or watched at venues other than casinos and bingo halls. Such acts constitute crimes punishable as follows:

- Up to two years in prison and a fine of up to 200 days for anyone running gambling operations (see Article 108 of Decree Law 114/2011);
- Up to six months in prison and a fine of up to 50 days for anyone gambling (see Article 110 of Decree Law 114/2011); and
- Up to three months in prison and a fine of up to 25 days for anyone found at the venue where illegal gambling is taking place (i.e. a venue that is not a casino or a bingo hall) and is there because of the gambling (see Article 111 of Decree Law 114/2011 "Presence at a site of illegal gaming"). This states "Anyone found at a site of illegal gaming and who is there for that purpose shall be punished with the penalty provided for in the previous article, reduced by half".

Note: Article 47 of the Penal Code sets out the range of daily fines that may be imposed and Article 71 sets the criteria in determining the number of days of the fine. The actual determination of both is made by the judge in hearing a case.

### **Being in a place/venue**

How is "site" defined? For example if you are around a hotel poolside and gambling is taking place in a hotel bar nearby would that be illegal?

The person in this case is not committing a crime because of the fact that a gambling operation is taking place, and people are participating in it, in a nearby bar, firstly because that person is not in the place where the game is being held. And even if in the bar where the game is being held, they would only be committing a crime if they were in the bar because of the game.

### **Raffles**

1. Raffle tickets sold in a bar with money to a charity, prize given and people pay voluntarily.

A for-profit entity, such as a bar, can only have authorization granted by the Secretary General of the Ministry of Internal Affairs, for kinds of games similar to games of chance, if the access to it - availability of raffle / ticket or coupon - is made through a public campaign as part of an advertising contest of goods or services, as mentioned in No 1 of article 161, whereas the access to the game

can not cause any expense to the player, nor increase the cost of the promoted products and services – No. 2 of art. 161 of the referred statute.

2. Raffle tickets sold on private premises such as hotels by a registered charity or association and the winner receives a prize and proceeds go to the association or charity. Charity raffles are done using officially printed and numbered tickets with the promoter's details on them and other information. Organisations like Bombeiros and War Vets sell these on the street. What about if an association included a raffle ticket in the price of the dinner event?

A game that consists of a prize given by the draw of a raffle / ticket number previously purchased by the player is a game whose development and final result depends only on the player's luck. Considering paragraph No. 1, Article 161 of Decree-Law No. 422/89 of 2.12, as amended by Decree-Law No. 114/2011 of 30.11, only non-profit entities can exploit this type of game, but

The sale of raffle tickets to win a prize through a raffle conducted by a non-profit entity falls within the concept of kinds of games similar to games of chance. Its practice is only legal if previously authorized by the Secretary-General of the Ministry of Internal Affairs - (art. 164 of the statute mentioned in conjunction with Order No. 16425-A / of 02.12).

This cannot be carried by individuals who are not non-profit organizations.

### **Quiz Nights**

A bar holds a quiz night, (1) there is no entry fee but there is a small prize for the winner. (ii) The same as (i) but the organizer charges money to enter the competition; (iii) Charity quiz night at a bar, there is an entry fee which is voluntary and proceeds go to a recognized charity. (iv) Charity quiz night as above, but with no entry fee.

The games that exclusively or essentially depend on the skill of the player and are not operated in game machines (and here we include "games" as "Quiz Nights") are not covered by the regulations (See note 1) Thus, the development of games or competitions is not illegal, whether it requires or not to pay money to access the game, whether or not there is the payment of a prize money over the final result, regardless of its distribution among winners or its allocation for charitable purposes, provided that, they exclusively or essentially depend on the skill of the player.

### **Bingo**

Is it illegal to play bingo in Portugal in unlicensed premises, even if it is free to enter and the prizes are not money?

Bingo is a game of chance or gambling, therefore, and (See note 2) regardless of the prize to be awarded it can only be explored and practiced in game areas, concession game rooms and by entities to whom the State has awarded the respective concession under the terms of Decree-Law No. 31/2011 of 4 March. From the foregoing, either practice or exploitation outside authorized gambling rooms makes its agents incur in the practice of the crimes foreseen in articles 110 and 108 of the said statute.

The only places where gambling operations may take place, be participated in and watched are casinos and bingo halls (see Articles 3 and 4 of the Gambling Act). These are listed at <http://www.turismodeportugal.pt> under the section Inspeção de Jogos.

### **Sweepstakes**

Are sweepstakes in bars for instance on Grand National day legal or illegal?

Pursuant to Article 2 of Decree-Law No. 268/92 of 28 November, the right of exploitation of betting on horse races is assigned by the State on an exclusive basis nationwide through a concession contract. Other than this, sweepstakes are illegal.

### **Other forms of gambling**

1. Is something like betting on the first goal scorer in a football match, or the final result, where people pay to enter a scorer or a result, legal or illegal? These normally have cash prizes.

It is illegal. Betting on sports scores are on an exclusive concession to the Santa Casa da Misericórdia de Lisboa, so the breach of the exclusivity arrangement makes its agents incur in the offenses under Law 30/2006, of 11 July.

2. Is gambling on private premises between friends, for instance playing cards money involved - legal or illegal?

Cards can be used to play games of chance or games of skill

Games of chance are those which depend exclusively or fundamentally on luck, in other words, the skill or knowledge of the player does not influence the result of the game. These kinds of games are banned outside casinos, irrespective of whether or not they are played for money.

In accordance with Articles 1 and 4 of Decree-Law n. 422/89, of 2.12 and Ordinance No. 217/2007 of 26 February, examples of card games that are games of chance are: blackjack/21, all forms of poker game (poker without discard, non-funded poker in the variants "omaha", "hold'em" and "synthetic poker"), baccarat punto banco, baccarat punto banco / Macau, baccarat chemin de fer, etc..

Games of skill are those in which the skill or knowledge of the player can influence the result of the game (winning or losing). Examples of skilled card games are patience, bridge, king, canastra. Games of skill can be played in any place without the necessity of an authorisation, even for money

3. Customers using a bar (say a group of friends) decide to play cards eg gamble for money - NOT organized by the bar itself - legal or illegal?

The offense provided for in article 110 of Decree-Law 422/89, of 2.12, as amended by Decree-Law No 114/2011, 30.11, is set if the game that is being practiced meets the legal definition of a game of chance in article 1 of the mentioned Law

### **Further enquiries**

All questions arising about games of chance can be sent in Portuguese or English to:

Serviço de Inspeção de Jogos do Turismo de Portugal, I.P. (Game Inspection Service) Rua Ivone Silva, lote 61050-124 Lisboa

Email address - [sij.expediente@turismodeportugal.pt](mailto:sij.expediente@turismodeportugal.pt)

Telephone: 211 140 200 and Fax: 211 140 830

There are no specific forms for clarification of requests and there is no cost associated with these requests. The documents must be accompanied by any additional information that may support the question(s) being asked. Answers are usually given as soon as possible, and they always try not to exceed 10 business days.

## **Obtaining Permission**

The power to authorize the procedures related to kinds of games similar to games of chance is vested with the Secretary General of the Ministry of Internal Affairs (SGMAI), who may be contacted at [jogos@sg.mai.gov.pt](mailto:jogos@sg.mai.gov.pt) or on 351 213409000. They normally answer emails within 48 hours and accept questions in Portuguese and English. Information about the application process, application form for raffles tombola's and lucky draws, and decree Laws 10/1995 and 114/2011, in full, are available on the website of SGMAI: <http://www.sg.mai.gov.pt>

Non-profit entities are exempt from the application fee.

Application forms need to be submitted in either Portuguese or English by post or by hand at least 15 days before the event to Direção de Serviços de Planeamento, Controlo e Inovação, Secretaria-Geral do MAI, Rua Capelo n.º 11, 1249-110 Lisboa

## **For Fundraisers**

Legislation concerning fundraising is set out in Decree Law n. 87/99 of 19<sup>th</sup> March. Fundraising can be undertaken by individuals or legally constituted collectives in different ways: through public collections in the street, public events, through direct bank deposit or wire transfer, or through surcharges on phone calls. Fundraising initiatives require an authorization from the competent administrative entities, which vary according to their territorial range. Thus, applications for authorization must be addressed to:

- The General Secretariat of the Ministry of Internal Administration (SGMAI), when covering the territory of the continent of Portugal by email to [angariacao.receitas@sg.mai.gov.pt](mailto:angariacao.receitas@sg.mai.gov.pt)
- The President of the Regional Government, when referring to the autonomous regions of the Azores and Madeira
- The Mayor, when limited to the territory of the respective municipality

The application should be received at least 30 days before the event. There is no application fee or form to complete but the application should include the following information: name and position of the applicant; type of fundraising; motivating purposes of the fundraising; start and end date of the initiative; bank account number of the applicant; bank account number for the deposit of donations; number of surcharged telephone line (if this medium used); name of the responsible individual for the personnel involved, in the case of public collections in the street; documents to be annexed to the application; proof of the legal existence of the institution (statutes or permanent certificate); copy of NIF and copy of the identity cards of the staff involved in the public collection in the street.

The requests received by SGMAI, which meet these requirements, are authorized within a maximum of 5 days. This authorization, in public collections in the street and public events, must be produced if requested by the supervisory authorities. Fundraising initiatives without authorization are subject to a regulatory offense procedure and the respective application of a fine.

In the authorization, the applicant is informed of his obligation to publicly account for the results of the values received by publishing them in national, regional or local media, as well as to give account to the SGMAI within 30 days after the end of the initiative by sending a document as proof (statement of bank account or extract of current account) as well as the copy of the aforementioned publication. The failure to render an account results in a regulatory offense procedure and the respective application of a fine.

Questions on what activities can be included under this legislation and procedure should be addressed to SGMAI at the contact details given above.

This English text is for information purposes only and not legally binding. For legal purposes please consult the appropriate legislation referred to in the above.

Notes:

1. Established by the Portuguese legislation (Decree-Law No. 422 / 89 of 2 December, amended by Decree-Law No. 114/2011 of 30.11 and Decree-Law No. 310/2002, from 18.12, amended by Decree-Law No.204/2012 of 29.08).
2. Given the combined reading of articles 1, 3 and line e) No. 1, of Article 4 and 9 of Decree-Law No. 422/89 of 2.12, as amended by Decree-Law No. 114/2011 of 30.11,

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