

Zambia

State Lotteries Act, 1970

Chapter 328

Legislation as at 31 December 1996

FRBR URI: /akn/zm/act/1970/7/eng@1996-12-31

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PDF created on 21 February 2024 at 17:42.

Collection last checked for updates: 31 December 1996.

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Zambia

State Lotteries Act, 1970 Chapter 328

Commenced on 1 January 1973

[This is the version of this document at 31 December 1996.]

[Act No. 7 of 1970; 4 of 1973; 3 of 1976; 4 of 1977; 1 of 1990; 11 of 1994]

An Act to provide for the establishment of the State Lotteries Board; to provide for the promotion and conduct of lotteries and pools by the Board; to specify the powers and duties of the Board; and to provide for certain other matters connected with and incidental to the foregoing.

1. Short title

This Act may be cited as the State Lotteries Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"**auditors**" means the auditors appointed under section eighteen;

"**Board**" means the State Lotteries Board established by section three;

"**Director**" means the Director of State Lotteries appointed under section eleven;

"**financial year**" means the financial year of the Board;

"**functions**" includes duties and powers;

"**pool**" means any competition promoted or conducted by the Board for gain in which, for a monetary or other material reward, the public are invited to foretell the result of any race, game or event, and includes such a pool operated on the system known as a fixed odds betting pool on the result of any race, game or event;

"**Stabilisation Fund**" means the Stabilisation Fund established by the Board under section thirteen;

"**State Lottery**" means a lottery promoted and conducted by the Board.

3. Establishment of State Lotteries Board

There is hereby established the State Lotteries Board which shall by that name be a body corporate with perpetual succession and a common seal and shall be capable of suing and being sued and, subject to the provisions of this Act, of doing all such acts as a body corporate may by law perform.

4. Constitution of Board

(1) The Board shall consist of—

- (a) seven members appointed by the Minister, one of whom shall be designated as chairman by the Minister; and
- (b) the Director, who shall be a member of the Board *ex officio*.

(2) No person shall be appointed to be a member of the Board—

- (a) while he is an undischarged bankrupt; or

- (b) while he is serving a sentence of imprisonment.

[As amended by Act 1 of 1990]

5. Tenure of office of members and vacancies

- (1) Subject to the provisions of this section, every appointed member of the Board shall hold office for such period and upon such conditions as the Minister may fix at the time of his appointment, and shall, on ceasing to be a member, be eligible for reappointment:

Provided that any appointed member may, at any time, by notice in writing to the Minister, resign his office.

- (2) The office of an appointed member shall become vacant—
- (a) upon his death;
 - (b) if he is adjudged bankrupt;
 - (c) if he is convicted of an offence and sentenced to imprisonment without the option of a fine;
 - (d) if, in the opinion of the Minister, he is mentally or physically incapable of performing his duties as a member of the Board;
 - (e) if, in the opinion of the Minister, he is guilty of improper conduct and is so notified in writing by the Minister.
- (3) In this section, "appointed member" means a person appointed as a member of the Board under paragraph (a) of subsection (1) of section four.

6. Procedure and meetings

- (1) Subject to the provisions of this section, the Board may regulate its own procedure.
- (2) The quorum of the Board shall be five.
- (3) The Board may act notwithstanding any vacancy in its membership.
- (4) The Board shall hold its first meeting at such place, and on such date, as the Minister may specify, and thereafter meetings of the Board shall be held at such places and times as the Board shall determine.

[As amended by Act 1 of 1990]

7. Remuneration of members

The Board shall pay to the members thereof such remuneration and allowances as the Minister may determine:

Provided that, in the case of the Director, or in the case of a member of the Board who is a public officer, no such remuneration or allowance shall be paid.

8. Application of seal

The application of the seal of the Board shall be authenticated by the signatures of the chairman of the Board or some other member of the Board authorised by the Board to authenticate the application of the seal thereof, and of the Director or some other person authorised by the Board to act in his stead in that behalf.

9. Power of Board to conduct lotteries and pools

- (1) It shall be lawful for the Board—
 - (a) to promote and to conduct lotteries; and
 - (b) to promote and to carry on any business or agency for the receipt of any money or valuable thing as the consideration for a bet or wager in connection with any pool.
- (2) A lottery conducted by the Board shall be known as a State Lottery:
Provided that, for the purpose of advertising or giving publicity to a State Lottery, the Board may use such other description in relation thereto as the Board may deem fit.

10. Functions of Board

- (1) Subject to the general or special directions of the Minister, it shall be the duty of the Board to determine—
 - (a) the number and type or types of State Lotteries and pools to be conducted by the Board in each year;
 - (b) the number of tickets to be issued by the Board in respect of each State Lottery;
 - (c) the manner in which the draw of each State Lottery is to be carried out, including the date, the time and the place of the draw of each State Lottery;
 - (d) the event or events in respect of which any pool is to be conducted by the Board in each year;
 - (e) the manner in which, and the period within which, correct entries in any pool are to be ascertained and published;
 - (f) the number and value of the prizes to be apportioned to each State Lottery;
 - (g) the remuneration of persons to be appointed by the Board as authorised agents of the Board in respect of any State Lottery or pool.
- (2) The Board shall have power to do anything and to enter into any transaction which, in the opinion of the Board, is calculated to encourage, stimulate and foster the participation of persons throughout the Republic in every State Lottery and pool and to facilitate the promotion and conduct thereof.

11. Director of State Lotteries

- (1) Subject to the provisions of subsection (3), the Board shall appoint a person having experience of the promotion and conduct of lotteries to hold the office of Director of State Lotteries.
- (2) The remuneration of the Director shall be paid by the Board, and he shall hold office for such period and upon such terms and conditions of service as the Board may, with the approval of the Minister, determine, and he shall be eligible, upon the expiry of the said period, for reappointment:
Provided that any person holding the office of Director may resign his office by giving to the Board such notice as may be provided for in the terms of his appointment, or, in the absence of such provision, such period of notice as the Board may require not exceeding six months.
- (3) The Board shall not appoint, or terminate the services of, the Director without the prior consent and approval of the Minister.
- (4) The Director shall be the chief executive officer of the Board and, in addition to his duties as a member of the Board, it shall be his duty to assist the Board in all respects, and in such manner as the Board may from time to time require, in the discharge of its functions.

- (5) Notwithstanding the foregoing provisions of this section, during any period when the office of Director is vacant, the functions of such office may be exercised and performed by such public officer as the Minister may designate in that behalf.

12. Funds of Board

The funds of the Board shall consist of—

- (a) such sums as may be paid to the Board from moneys appropriated by Parliament;
- (b) subject to the provisions of this Act, the proceeds from the sale of tickets in any State Lottery or from any pool;
- (c) such other moneys as may accrue to the Board in the exercise of its functions.

13. Stabilisation Fund

The Board shall establish a Stabilisation Fund to which the Board shall make such appropriation out of the funds of the Board as the Minister may, from time to time, direct:

Provided that the Stabilisation Fund shall not exceed fifty thousand kwacha, or fall below twenty thousand kwacha, at any one time.

14. Lottery and pool accounts to be kept separately

- (1) The Board shall keep separate accounts in respect of every State Lottery and pool and shall pay the proceeds from the sale of tickets relating to any State Lottery or from any pool into the account kept in respect thereof.
- (2) The money for prizes and other payments due in respect of any State Lottery or pool shall be paid out of the account kept in respect of that State Lottery or pool and, after the conclusion of such State Lottery or pool, the balance in the account kept in respect thereof shall be paid into the funds of the Board.

15. Shortfall to be made good

If the amount standing to the credit of the account kept under section fourteen in respect of any State Lottery or pool is less than the amount required for prizes or other payments due in respect of such State Lottery or pool, the amount of the deficiency shall be paid into such account out of the Stabilisation Fund.

16. Borrowing and investment powers

- (1) The Board may, with the consent of the Minister, borrow temporarily by way of overdraft or otherwise such sums as it may require from time to time in the ordinary course of business.
- (2) The Board may, with the consent of the Minister, invest any sums held by the Board which are not immediately required for the performance of its functions.

17. Property of Board

The Board may purchase, lease or otherwise acquire any property whatsoever for or in connection with the exercise of its functions under this Act, and may manage, insure, sell, let or otherwise deal with such property in such manner as the Board may deem necessary or desirable.

18. Accounts and audit

- (1) The Board shall cause to be kept proper books of account and other records relating thereto.

- (2) The financial year of the Board shall be the period of twelve months ending on the 31st December in each year.
- (3) The Board shall prepare in respect of each financial year a statement of account and balance sheet showing, in all necessary detail, the income and expenditure and the assets and liabilities of the Board.
- (4) The Minister shall appoint one or more persons who publicly carry on the profession of accountants (hereinafter referred to as "the auditors") to examine the accounts of the Board annually and at such other times as the Minister may direct and, for that purpose, the Board shall, when so requested by the auditors, produce and lay before the auditors all books and accounts of the Board, together with all vouchers in support thereof, and all books, papers and writings in its possession or control relating thereto.
- (5) The expenses of and incidental to any audit under this section shall be borne and paid by the Board.
- (6) It shall be the duty of the auditors, in addition to the ordinary duties of auditors, to certify not less than once in each year whether or not—
 - (a) they have obtained all the information and explanations they have required;
 - (b) the accounts issued present a true and fair view of the financial position of the Board and of its transactions;
 - (c) the accounts of the Board are in order;
 - (d) the Board has complied with their requirements and recommendations.
- (7) In addition to their duties under the foregoing provisions of this section, the auditors shall examine the accounts and other records kept by the Board in respect of each State Lottery and pool not later than six months from the conclusion of such State Lottery or pool, as the case may be, and shall prepare and submit a report thereon to the Minister.
- (8) In the exercise of their functions under this section, the auditors shall have a right of access at all reasonable times to the books, accounts and vouchers of the Board, and shall be entitled to require from the members and officers of the Board such information and explanations as the auditors may require for the due performance of their functions.
- (9) The auditors shall give to the Auditor-General a copy of every certificate given by them and of every report made by them under this section, and shall furnish to the Auditor-General such other reports or further information relating to the accounts of the Board as he may require.

19. Annual report

- (1) The Board shall, within six months after the end of each financial year, furnish to the Minister a full report on the exercise and performance of its functions during that year, and such report shall include a balance sheet, a complete statement of income and expenditure duly audited, the report of the auditors and such other information as the Minister may, by notice in writing to the Board, require.
- (2) Not later than seven months after the end of each financial year, the Minister shall cause a copy of the report furnished under subsection (1) in respect of that year to be laid before the National Assembly.

20. Rules for State Lotteries and pools

- (1) The Board may, by statutory instrument, with the consent of the Minister, make rules with respect to State Lotteries and pools and, in particular, but without prejudice to the generality of the foregoing, with respect to—
 - (a) the number and value of the prizes to be distributed in respect of a State Lottery;

- (b) the appointment, duties and remuneration of persons appointed by the Board as authorised agents of the Board in respect of any State Lottery or pool;
 - (c) the form of any tickets, coupons or other documents to be used in the conduct of or in connection with any State Lottery or pool;
 - (d) the number of tickets to be issued in respect of any State Lottery;
 - (e) the method of collection and disposal of subscriptions paid or payable to the Board;
 - (f) the issue of tickets or receipts in respect of subscriptions;
 - (g) the appointment of a person or persons to verify the number of tickets the holders of which should participate in a State Lottery, to be present at the draw of tickets, and to carry out such other duties in connection with the draw as may be prescribed by the rules;
 - (h) the procedure for verifying the number of entries properly submitted in respect of any pool and for ascertaining correct entries;
 - (i) the method of claiming prizes;
 - (j) the determination of any dispute as to the person entitled to any prize or money and providing that, in the event of a dispute as to a prize remaining unsettled for a prescribed period, the prize may be forfeited;
 - (k) the disposal of unclaimed prizes.
- (2) Different rules may be made under this section in respect of State Lotteries or pools of different types.
- (3) Rules made under this section shall be binding on the Board and on every person participating in any State Lottery or pool to which such rules relate.
- (4) Any amendment of rules under this section shall operate with effect from such date as the Board may determine, but shall not have effect in relation to any State Lottery or pool not concluded on the date such amendment comes into operation.

21. Receipts and accruals of Board

- (1) The receipts and accruals of the Board shall, subject to the provisions of this section, be exempt from any tax on income and profits.
- (2) The Board shall, not later than six months after the end of each financial year, pay to the Minister out of the funds of the Board a sum equal to twenty *per centum* of the amount, if any, paid into such funds pursuant to section fourteen during that financial year or such lesser sum as the Minister may, by statutory instrument, prescribe in respect of that financial year:

Provided that where in any financial year an appropriation is made to the Stabilisation Fund under section thirteen, any portion of such appropriation which is necessary to prevent the amount standing to the credit of the Stabilisation Fund at the time such appropriation is made from falling below twenty thousand kwacha shall be deducted from the sum required to be paid to the Minister under this section and the remainder only shall be so payable.

- (3) The Minister shall pay any sum paid to him by the Board under this section into the general revenues of the Republic.

22. Liability of Board for payment of prize money

The *bona fide* payment of any prize money shall discharge the Board and any person by whom such payment was made from all liability whatsoever in respect of any such payment, notwithstanding any forgery, fraud, mistake, neglect, loss or delay which may have been committed or incurred in connection therewith:

Provided that nothing in this section shall affect the liability of any person for any offence committed by him in connection with any such payment.

22A. Payment and recovery of 20% on prize money

- (1) Any person to whom prize money is paid by the Board shall be liable to a charge on such prize money equal to fifteen *per centum* of the amount by which the prize money from each winning ticket or entry exceeds three hundred thousand kwacha.
- (2) The charge specified in subsection (1) shall be deducted by the Board from the payment of prize money:

Provided that should the Board fail or neglect to collect the charge from any person liable to pay the charge, the Board shall be liable to pay the charge.

- (3) The Board shall, within thirty days of the last day of each calendar quarter—
 - (a) pay to the Permanent Secretary the amounts collected by way of the charge, together with the amounts for which the Board becomes liable under subsection (2); and
 - (b) submit to the Permanent Secretary a return in the form to be specified by statutory instrument by the Minister.
- (4) The Permanent Secretary or any public officer authorised by him under his hand may recover from the Board any amount due to the Government under the provisions of this section, together with costs of recovery by way of suit instituted in a subordinate court presided over by a Senior Resident Magistrate.
- (5) A subordinate court presided over by a Senior Resident Magistrate shall have the jurisdiction to hear and determine any suit instituted under subsection (4), notwithstanding that the value of the subject matter of such suit exceeds the limit prescribed in relation to such court under the provisions of the Subordinate Courts Act, or any other written law.

[Cap. 28]

- (6) All proceeds of the charge received or recovered by the Permanent Secretary or a public officer authorised by him, shall be paid into the general revenue of the Republic.

[As amended by Acts No. 4 of 1973, No. 3 of 1977 and No. 11 of 1994]

23. Lotteries Act and Pools Act not to apply to Board

- (1) The provisions of the Lotteries Act shall not apply in relation to any State Lottery or to any act done in connection with the conduct thereof.
- (2) The provisions of the Pools Act shall not apply in relation to any pool conducted by the Board or to any act done in connection with the conduct thereof or to any act done by the Board in the due performance of its functions in relation to any pool.

[Cap. 163; Cap. 165]