

CHAPTER 328

THE STATE LOTTERIES ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 328

STATE LOTTERIES

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.

[1st January, 1973]

1. This Act may be cited as the State Lotteries Act. Short title

2. In this Act, unless the context otherwise requires- Interpretation

"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. 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. Establishment of State Lotteries Board

4. (1) The Board shall consist of-

Constitution of Board

(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. (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: Tenure of office of members and vacancies

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. (1) Subject to the provisions of this section, the Board may regulate its own procedure.

Procedure and meetings

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

Remuneration of members

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. 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.

Application of seal

9. (1) It shall be lawful for the Board-

Power of Board to conduct lotteries and pools

(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. (1) Subject to the general or special directions of the Minister, it shall be the duty of the Board to determine-

Functions of Board

(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. (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.

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. The funds of the Board shall consist of- Funds of Board

- (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. 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: Stabilisation Fund

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

14. (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. Lottery and pool accounts to be kept separately

(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. 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. Shortfall to be made good

16. (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. Borrowing and investment powers

(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. 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. Property of Board

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

(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. (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.

Annual report

(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. (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. (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. Receipts and accruals of Board

(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. The *bona fide* payment of any prize money shall discharge the Board and any person by whom such payment was made from all Liability of Board for

liability whatsoever in respect of any such payment, notwithstanding payment of prize any forgery, fraud, mistake, neglect, loss or delay which may have been money 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. (1) Any person to whom prize money is paid by the Board shall Payment and be liable to a charge on such prize money equal to fifteen per centum of recovery of 20% the amount by which the prize money from each winning ticket or entry on prize money 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 Cap. 28 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.

(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. (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.

Lotteries Act and Pools Act not to apply to Board.

(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.

SUBSIDIARY LEGISLATION

CHAPTER 328

SECTION 20-PICK-A-LOT DRAW RULES *Regulations by the Director*

*Statutory
Instrument
35 of 1993*

PART I

PRELIMINARY

1. These Rules may be cited as the Pick-A-Lot Draw Rules. Title
2. In these Rules, unless the context otherwise requires- Interpretation

"agent" means any person authorised by the Board to sell Pick-A-Lot draw tickets;

"collector" means any person approved by an agent to sell Pick-A-Lot draw tickets at specified premises;

"Jackpot" means the First Dividend in any Pick-A-Lot draw;

"stake" means the amount of money risked by a purchaser of a ticket for a Pick-A-Lot draw;

"ticket holder" means any person whose particulars match details on a ticket; and

"a combination of numbers" means any set of four numbers making up a selection of one line.

3. The details of every ticket for a Pick-A-Lot draw, the purposes which they are intended to serve, and the meanings, prohibitions, restrictions and requirements which they are intended to convey to any person purchasing the ticket, shall be as set out in these Rules. Application

PART II

NUMBER AND VALUE OF PRIZES

4. Subject to Parts III and IV of these Rules, prizes for *bona fide* claims in respect of a Flag Ticket entry in every Pick-A-Lot draw shall be- Flag ticket entry

(a) a Third Dividend of K100.00, if any two numbers in any order are correct in the same line of four numbers, horizontally, vertically or diagonally;

(b) a Second Dividend of K500.00, if any three numbers in any order are correct in the same line of four numbers, horizontally, vertically or diagonally; or

(c) a Jackpot, if four numbers in any order are correct in the same line, horizontally, vertically or diagonally.

5. Subject to Parts III and IV of these Rules, prizes for *bona fide* claims in respect of a Standard Ticket entry in every Pick-A-Lot draw Standard ticket entry

shall be-

- (a) a Third Dividend of K100.00, if any two numbers in any order are correct in the same line of four numbers;
- (b) a Second Dividend of K500.00, if any three numbers in any order are correct in the same line of four numbers; or
- (c) a Jackpot, if four numbers in any order are correct in the same line.

6. Subject to the provisions in Parts III and IV of these Rules, prizes Big Three ticket for *bona fide* claims in respect of a Big Three Ticket entry in every entry Pick-A-Lot draw shall be-

- (a) a Nil Dividend, if only two numbers are correct in the same line of four numbers;
- (b) a Second Dividend of K600.00, if any three numbers in any order are correct in the same line of four numbers; or
- (c) a Jackpot, if four numbers in any order are correct in the same line.

7. (1) The guaranteed monetary value for the Jackpot in every Pick- Value of Jackpot A-Lot draw shall be K500,000.00.

(2) Where two or more *bona fide* purchasers of Pick-A-Lot tickets successfully forecast four correct numbers in any order in one line, each such purchaser of a winning ticket shall be entitled to an equal share of the guaranteed Jackpot prize money.

PART III

CLASSIFICATION AND COMPLETION OF TICKETS

8. (1) A Standard Ticket and a Big Three Ticket for a Pick-A-Lot draw shall provide twenty single lines, each line consisting of four Standard and Big Three tickets boxes in which numbers may be entered.

(2) Single line entries consisting of four selections from 01 to 90 shall be made from left to right on the ticket.

(3) No entry shall be accepted for a Standard Ticket or a Big Three Ticket unless the minimum number of ten lines of four numbers each, is completed and correct stakes at K5.00 (five kwacha) for each line, are paid at the time of purchase.

(4) Where the stake amount paid in respect of lines exceeding the specified minimum number of lines for entries on a Standard or a Big Three Ticket is inadequate to cover all such excess lines, the elimination of line entries will start with the last line completed, moving upwards up to the line where the correct stake will cover all the remaining lines on a ticket;

(5) Where an impossible number, that is to say, if a number higher than ninety, is quoted, the number ninety shall be substituted therefor and the numbers eighty-nine, eighty-eight and eighty-seven shall be substituted for the second, third and the fourth impossible numbers, respectively, except that any number so inscribed shall not count as a winning number in the event of any such number or numbers being drawn.

(6) All types of permutations shall, provided the proper stakes shall have been paid and the instructions on the ticket are clear and unambiguous, be accepted.

(7) The stake for each line on each type of ticket shall be fixed at a minimum of five kwacha.

9. (1) A Flag Ticket shall contain spaces for sixteen numbers and cover ten separate lines of four numbers each. Flag ticket

(2) No entry shall be accepted for a Flag Ticket unless all the ten separate lines are completed and correct stakes at five kwacha for each line, are paid at the time of purchase.

(3) Where an impossible number, that is to say, if a number higher than ninety, is quoted, the number ninety shall be substituted therefor and the numbers eighty-nine, eighty-eight and eighty-seven shall be substituted for the second, third and fourth impossible numbers,

respectively, except that any number so inscribed shall not count as a winning number in the event of any such number being drawn.

10. (1) Every ticket for a Pick-A-Lot draw completed in terms of this Completion of Part- tickets

(a) shall be clearly written in respect of all the selections entered, the name and address of the purchaser;

(b) shall be disqualified from entry if it is mutilated, the particulars thereupon are altered or insufficient stake is paid;

(c) shall be declared void for the draw indicated thereon if the ticket is not received in time as set out in the Schedule to these Rules and is included in the pre-draw ticket and a declaration to that effect is made before the draw; and

(d) shall not be valid for the purpose of claiming any prize unless the original ticket and duplicate ticket bear the same ticket number and serial number and the entry on the duplicate copy agrees, in all respects, with the entry on the original copy.

(2) The figure 0 shall be written before any digit for selections one to nine (for instance: 01, 02, 03, etc.), and no single digit numbers shall be accepted for entry unless preceded by the figure 0.

(3) Any ticket on which any numbers have been altered or any erasures have been made, shall be disqualified from entry for a Pick-A-Lot draw.

11. (1) The minimum entry per line shall be five kwacha. Amount of stakes

(2) If the maximum stakes have been exceeded, the additional stakes may, at the discretion of the Board, be eliminated.

PART IV

PAYMENT OF PRIZES

12. (1) Every ticket holder, except a holder of a Standing Entry ticket, claiming a Jackpot shall submit a claim in the first instance to the State Lotteries Board Head Office, Lusaka, not later than 1200 hours on the second working day following the draw for which the claim is made. Claims may be made by personal call, telephone or telegram. Claims for prizes

(2) Every claim shall be supported by a duplicate ticket which the State Lotteries Board shall endeavour to obtain wherever a claim is not made by personal call.

(3) Subject to sub-paragraph (4), the Board shall reject any claim for a Jackpot prize made after 1200 hours on the second working day following the draw for which the claim is made.

(4) Notwithstanding the provisions in sub-paragraph (3) of this Rule, holders of Standing entry tickets shall be entitled to claim Jackpot prizes within a reasonable time.

(5) The Board may, before approving payment for a Jackpot prize, require a Standing Entry ticket holder to produce his duplicate ticket.

(6) Payments for Second Dividend and Third Dividend prizes shall be made by the Board, agent or collector.

(7) No prize shall be paid unless the Director is satisfied that the original ticket was lodged within the designated security area at the State Lotteries Board Head Office, Cairo Road, Lusaka, before the draw to which the ticket relates was conducted and the ticket was included in the pre-draw ticket auditing for that draw.

(8) The Board shall determine the method of payment of all prizes and issue such rules and regulations as it may deem fit.

13. (1) In the event of any dispute with regard to any prize or prize Decision of

claim, the Board shall withhold payment of any such prize pending the Board final determination of the dispute by the Board.

(2) The award of any prize shall be in the absolute discretion of the Board.

(3) The decision of the Board on any matter relating to the conduct of any Pick-A-Lot draw shall be final.

14. The conduct of a lottery and everything done in connection therewith shall create no legal relationship between the Board and any ticket holder but shall be binding only in honour. No legal relationship

SCHEDULE

(Rule 10 (c))

DECLARATION FORM

PART III-*Classification and Completion of Tickets*

Unfortunately tickets from

of.

have not been received by the
State Lottery in time to take part in today's Pick-A-Lot draw for Week

and will not therefore participate in this morning's draw.

Signed:

Designation:

Date:

Certified that the above announcement was made by me BEFORE the Pick-A-Lot Draw
for Week held on

19 took place.

Signed:

Initials and name in block letters ()

Witnessed:

Initials and name in block letters ()

Date:

Signed at Lusaka this 14th day of January, 1993 on behalf of the State Lotteries Board,
pursuant to resolution of the Minutes of the meeting of the State Lotteries Board held at
Lusaka on the 10th day of December, 1991.

