
2nd Session Second Parliament Trinidad and Tobago
17 Elizabeth II



TRINIDAD AND TOBAGO
Act No. 22 of 1968

[L.S.]

AN ACT to provide for the establishment of a National Lotteries Control Board for the promotion and conduct of national lotteries.

[Assented to 12th August, 1968]

BE IT ENACTED by the Queen's Most Excellent Majesty, Enactment.
by and with the advice and consent of the Senate and
House of Representatives of Trinidad and Tobago, and
by the authority of the same as follows:—

1. This Act may be cited as the National Lotteries Act, Short title,
1968.

PRELIMINARY

Interpre-
tation

2. In this Act—

“Board” means the National Lotteries Control Board established under section 3;

“financial year” means the twelve months ending on the thirty-first day of December in any year;

“lottery” means any game, method or device prescribed by this Act whereby money or moneys worth is distributed or allotted in any manner depending upon or to be determined by chance or lot;

“member” means a duly appointed member of the Board;

“money” includes a cheque, promissory note, bank note, postal order or money order;

“the Minister” means the Minister to whom responsibility for finance has been assigned;

“national lottery” means a lottery organised and conducted by the National Lotteries Control Board;

“Secretary” means the Secretary of the Board;

“Standing Orders” mean the Standing Orders made by the Board under subsection (10) of section 6;

“ticket” includes any document or token or other article whatsoever evidencing the claim of a person to participate in the chances of the lottery.

PART I

ESTABLISHMENT OF BOARD

Establishment
and incorpora-
tion of Board.

3. (1) A National Lotteries Control Board is hereby established for the purposes of this Act and is a body corporate.

(2) The Board shall consist of a Chairman and not more than four other members.

(3) The Chairman and members of the Board shall be appointed by the Minister and the appointment shall, subject to subsection (4) be for such period as may be specified in the instrument of appointment.

(4) A member may at any time resign his office by notice in writing addressed to the Chairman, who shall forthwith cause it to be forwarded to the Minister.

(5) The appointment of any person as a member and the termination of office of any person as such whether by death, resignation, revocation, effluxion of time or otherwise, shall be notified in the *Gazette*.

4. (1) The Board shall, with the approval of the Minister, appoint a Secretary on such terms and conditions as the Board may think fit. Appointment of Secretary.

(2) The Secretary shall not be a member of the Board.

5. (1) The seal of the Board shall be kept in the custody either of the Chairman or of the Secretary as the Board may determine and may be affixed to instruments pursuant to Standing Orders or to a resolution of the Board and in the presence of the Chairman and of one other member, and the Secretary. Custody and use of seal.

(2) The seal of the Board shall be attested by the signature of the Chairman and the Secretary.

(3) All documents, other than those required by law to be under seal made by, and all decisions of the Board may be signified under the hand of the Chairman or the Secretary.

(4) Service upon the Board of any notice, order or other document shall be executed by delivering the same or by sending it by registered post addressed to the Secretary at the office of the Board.

PROCEDURE

6. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such place and time and on such days as the Board determines. Procedure and meetings of the Board.

(2) The Chairman may at any time call a special meeting of the Board and shall call a special meeting within seven days of the receipt of a requisition for that purpose addressed to him by any three members.

(3) The Chairman shall preside at all meetings of the Board and in his absence from any meeting the members present shall elect one of their number to preside at that meeting.

(4) If the Chairman is unable to perform the functions of his office owing to his absence from Trinidad and Tobago or to inability for any reason, the Minister may appoint a member to act as Chairman during the time such absence or inability continues.

(5) If a member of the Board is appointed to act as Chairman under subsection (4) or is unable to perform the functions of his office owing to absence from Trinidad and Tobago or to inability for any reason, the Minister may appoint some other person to act as a temporary member during the time such appointment to act as Chairman, absence or inability continues.

(6) The Chairman or in his absence the member elected to preside under section 6 (3) and two other members shall form a quorum.

(7) The Chairman or member presiding at the meeting shall have an original vote, and in any case in which the voting is equal, shall have a casting vote.

(8) Minutes in proper form of each meeting shall be kept by the Secretary and shall be confirmed by the Chairman at a subsequent meeting. Certified copies of such minutes when so confirmed shall, within twenty-one days thereof, be forwarded to the Minister.

(9) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board, but no such co-opted person shall have any right to vote.

(10) Subject to this section, the Board may by Standing Orders regulate its own proceedings.

Appointment of committees.

7. (1) The Board may appoint committees to examine and report to it on any matter whatsoever arising out of or connected with any of its powers and duties under this Act.

(2) A Committee appointed by the Board shall consist of at least one member of the Board together with such other persons, whether members of the Board, or not, whose assistance or advice the Board may desire.

(3) Where persons, not being members of the Board, are members of the committee appointed under this section, the Board may, with the approval of the Minister, by resolution declare the remuneration and allowances of such persons and such sums shall properly be so payable out of the funds and resources of the Board.

(4) The Board may by resolution reject the report of any such committee or adopt it either wholly or with such modification, additions or adaptations as the Board may think fit.

8. Subject to the provisions of this Act, and to the prior approval of the Minister, the Board may delegate to a member or a committee, power and authority to carry out on its behalf such duties and functions and to exercise such powers as the Board may determine, so, however, that any such delegation shall be revocable at will and shall not preclude the Board from acting from time to time as occasion requires.

Power of Board
to delegate

GENERAL POWERS AND DUTIES OF THE BOARD

9. Notwithstanding any other enactment respecting gambling, betting or lotteries, the Board may carry on the business of promoting, organising and conducting national lotteries and for such purpose the Board may have and exercise such functions, powers and duties as are conferred or imposed on it by this Act, and in particular—

Powers to and
duties of the
Board.

- (a) issue tickets for any such lottery;
- (b) fix the number and price of tickets to be issued for any such lottery;
- (c) appoint and remunerate agents for the sale of such tickets;
- (d) fix the number and value of the prizes to be apportioned;
- (e) determine the time when, the place where and the manner in which drawings shall take place for the allotment of prizes;
- (f) incur such other expenses as may be necessary for organising and conducting the lottery.

10. In the exercise of its functions, powers and duties under this Act or any other enactment, the Board shall act in accordance with any special or general direction given to it by the Minister.

Policy
directions.

MISCELLANEOUS

Remuneration
of members.

11. The Board shall, subject to the approval of the Minister pay to each member in respect of his office such remuneration and allowances, if any, as the Board thinks fit, and subject to the like approval, to the Chairman in respect of his office, such remuneration and allowances, if any, in addition to any remuneration or allowances to which he may be entitled in respect of his office as a member, as subject to the like approval, may be so determined.

Execution
of documents.

12. (1) Any document requiring to be executed by the Board shall be deemed to be duly executed—

(a) if signed by the Chairman and the Secretary;
or

(b) if signed, whether within or without Trinidad and Tobago by a person or persons authorised by resolution of the Board so to sign; but such an extract of the resolution certified by the Chairman and the Secretary shall be attached to and form part of the document.

(2) Any cheque, bill of exchange or order for the payment of money requiring to be executed by the Board shall be deemed to be duly executed if signed by a person or persons authorised by this Act or by resolution of the Board.

Annual report
of Board.

13. The Board shall make an annual report of its proceedings to the Minister which shall be laid before Parliament.

PART II

ADMINISTRATION

Personnel

Interpretation.

14. In this Part—

“appropriate Commission” means the Public Service Commission established and constituted under section 92 of the Constitution, the Judicial and Legal Service Commission established and constituted under section 83 of the Constitution or the Statutory Authorities’ Service Commission established under section 4 of the Statutory Authorities Act, 1966 as the case may require;

“classification” means the assignment of an office to a grade;

“Chief Personnel Officer” means the Head of the Personnel Department established under section 13 of the Civil Service Act, 1965. No. 29 of 1965.

“Personnel Department” means the Personnel Department established under section 13 of the Civil Service Act, 1965. No. 29 of 1965

15. (1) The Board may establish such offices as may be necessary and proper for the due and efficient administration, management and performance by the Board of its duties under this Act and may appoint fit and proper persons to such offices. Establishment of offices and appointment of employees.

(2) An annual salary in a sum that is equivalent to or exceeds the annual salary of four thousand eight hundred dollars or such greater amount as the Minister may prescribe shall not be assigned to any post under this section without the prior approval of the Minister.

16. The several offices established by the Board shall be classified by the Personnel Department and shall be published in the *Gazette* by order in writing under the hand of the Chief Personnel Officer. Classification of offices.

17. (1) Any officer in the public service may, with the approval of the appropriate Commission, be transferred on secondment to the service of the Board. Transfer on secondment.

(2) The period of service with the Board of any officer to whom subsection (1) applies shall be deemed to be public service within the meaning of the Pensions Ordinance. Ch. 9 No. 6.

18. (1) All officers charged with the receipt, accounting for, or disbursement of moneys or with the custody or delivery of stores, or other property belonging to the Board shall be individually responsible for the due and efficient discharge of their respective duties, and for the exercise of proper supervision of the accounts kept or controlled by them and of all property entrusted to their care, and for the due observance of all rules and regulations, and of all orders and instructions prescribed for their guidance. Responsibility of officers.

(2) The Board may require any officer or servant in its service to give security to its satisfaction for the due execution of his duties.

FINANCIAL PROVISIONS

Funds and resources of Board.

19. The funds and resources of the Board shall consist of such amounts as may be received by the Board in respect of the sale of tickets and all other sums that may in any manner become payable to or vested in the Board in respect of any matter incidental to its powers and duties.

Advances

20. The Minister may advance from the Consolidated Fund from time to time such amounts not exceeding in the aggregate five hundred thousand dollars as may be necessary to meet the cost of establishing the Board and the expenses incurred in the promotion and conduct of national lotteries. Any advances shall be by way of loan with or without interest as the Minister may determine.

Application of revenue.

21. (1) The revenue of the Board for any financial year shall be applied in defraying the following charges—

- (a) the payment of prize money;
- (b) the remuneration, fees and allowances of the members or of any committee of the Board;
- (c) the salaries, fees, remuneration and gratuities of employees, servants and agents of the Board;
- (d) the working operations.

(2) The balance of the revenue of the Board shall be applied in accordance with the provisions of section 23.

Proceeds of national lotteries.

22. The Board shall maintain a National Lotteries Account in the prescribed bank.

(2) All moneys received from the sale of tickets for every national lottery or otherwise accruing to the Board shall be paid into and all prizes and other expenses in respect of every national lottery shall be paid out of the National Lotteries Account.

(3) If at any time the sum standing to the credit of the National Lotteries Account is insufficient to meet, either wholly or in part, the payment of prizes in respect of a national lottery or any expenses connected therewith, the Minister may by warrant authorise the withdrawal from

the Consolidated Fund of such sum as may be required to meet the deficit and such sum may be advanced to the Board as a loan with or without interest as the Minister may determine.

23. At the end of each financial year there shall be paid into the Consolidated Fund after allowing for all expenses and the amount reserved for prizes, the balance standing to the credit of the National Lotteries Account.

Balance of
National
Lotteries
Account to
be paid into
Consolidated
Fund.

24. The National Lotteries Account and the accounts of the Board shall be public accounts within the meaning of section 90 of the Constitution.

Public
accounts.

25. (1) All decisions, orders, rules and regulations relating to the financial operations of the Board and authorised by this Act shall be made by resolution of the Board at a meeting thereof and shall be recorded in the minutes of the Board.

Accounting
of Board

(2) The accounts of the Board shall be audited by the Auditor General.

(3) After the end of each financial year of the Board, the Board shall, as soon as the accounts of the Board have been audited, cause a copy of the statement of accounts to be transmitted to the Minister of Finance, together with a copy of any report made by the Auditor General on that statement or on the accounts of the Board.

(4) The Minister of Finance shall cause a copy of every such statement and report to be laid before Parliament.

26. (1) All moneys of the Board accruing from its operations under this Act shall be paid into the prescribed bank, and such moneys shall, as far as practicable, be paid into the bank from day to day, except such sums as the accounts officer of the Board may be authorised by rules of the Board to retain in his hands to meet petty disbursements for immediate payments.

Cash deposits
and payments.

(2) All payments out of the funds of the Board except petty disbursements not exceeding such sums to be fixed by the rules, shall be made by the accounts officer, or on his behalf by any other officer appointed by the Board, in accordance with the rules.

(3) Cheques against any banking account required to be kept or withdrawals from any savings bank

account and bills of exchange or orders for payment of money shall be signed by the accounts officer or on his behalf by an officer appointed by the Board and countersigned by the Chairman of the Board or any member of the Board or any officer of the Board appointed by resolution of the Board for the purpose; and a copy of any such resolution shall be certified by the Chairman and forwarded to the bank or banks concerned.

Rules made
by the Board.

27. For the purpose of regulating and controlling its financial operations, the Board may with the approval of the Minister make rules in respect of the following matters—

- (a) the manner in which and the officers by whom payments are to be approved;
- (b) the bank or banks into which moneys of the Board are to be paid, the title of any account with any such bank, and the transfer of one fund from one account to another;
- (c) the appointment of a member of the Board or an officer of the Board to countersign cheques on behalf of the Chairman or in the absence of the Chairman;
- (d) the sum to be retained by the accounts officer to meet petty disbursements and immediate payments and the maximum sum that may be so disbursed for any one payment;
- (e) the method to be adopted in making payments out of the funds of the Board; and
- (f) generally as to all matters necessary for the proper keeping and control of the finances of the Board.

PART III

GENERAL AND MISCELLANEOUS

28. Any money or money's worth paid, deposited for or in respect of the purchase of a lottery ticket shall be recoverable as money had and received to the use of the person by whom the same was paid or deposited.

29. Legal proceedings may, in any court of summary jurisdiction be conducted on behalf of the Board—

- (a) by the Secretary or the Manager;

Recovery of
money and
contract
for sale of
lottery
ticket.

Legal
proceedings.

- (b) by any other officer of the Board authorised so to do by resolution of the Board, a copy of which purporting to be certified under the hand of the Secretary shall be sufficient evidence of the contents thereof.

30. (1) All moneys in respect of the winnings in any national lottery that remains unpaid to the winner thereof at the end of one year after the declaration of the results of such lottery shall be paid over to the Treasury by the Board. ^{Unclaimed moneys.}

(2) The Minister shall, on presentation of proof to his satisfaction by the winner of any such moneys, that such winner is entitled to the moneys, authorise the payment and distribution of the amount of such moneys to the winner thereof, and the same shall without further authority be paid by the Treasury.

(3) Where payment is made by the Treasury in accordance with subsection (2) the validity thereof shall not be enquired into by any court and no action shall lie or be maintained in respect of the lottery that resulted in the payment aforesaid.

(4) At the end of three years after the winnings are required to be paid over to the Treasury under subsection (1), no application for the payment of winnings shall, except with the approval of the Governor-General, be entertained and all rights, claims, actions or other causes in respect of such winnings shall, if not already pending, be barred.

31. The Minister may make regulations for carrying out the provisions of this Act and without prejudice to the generality of the foregoing such regulations may— ^{Regulations}

- (a) prescribe the conditions to be observed by agents appointed for the sale of tickets for national lotteries and the rights, obligations and liabilities of such agents;
- (b) prescribe the form or contents of such ticket;
- (c) prescribe the information to be published concerning any national lottery and the manner in which it shall be published;
- (d) prescribe the time within which and the manner in which prizes shall be claimed;

- (e) prescribe the persons who shall be present at any drawing for the allotment of prizes and their powers and duties in relation thereto and for the settlement of any dispute or difficulty which may arise in the conduct of the drawing;
- (f) prescribe such measures as in the opinion of the Minister are necessary for the prevention of frauds and irregularities;
- (g) prescribe the system of accounting to be employed by the Board and the devices and equipment to be used to assure the more effective control of the operations connected with the national lotteries.

Exemption
from tax
by Order

32. Notwithstanding any rule of law to the contrary, the Governor-General may by Order exempt the Board in whole or in part from any payment of any tax, fee or duty imposed by or under any enactment.

Commencement

33. This Act shall come into operation on a date to be fixed by proclamation of the Governor-General published in the *Gazette*.

Passed in the House of Representatives this 12th day of July, 1968.

G. R. LATOUR
Clerk of the House of Representatives

Passed in the Senate this 23rd day of July, 1968.

A. A. DARLINGTON
Clerk of the Senate (Acting)