

NATIONAL LOTTERIES ACT

CHAPTER 21:04

Act

22 of 1968

Amended by

*50 of 1970

32 of 1988

11 of 2004

9 of 2006

*Act No. 50 of 1970
incorporated into
this Act as section 32.

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LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

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Note on Staff Provisions

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Under section 3(2) of the Statutory Authorities Act (Chapter 24:01) the National Lotteries Control Board has been declared a statutory authority subject to the provisions of that Act (*See* Chapter 24:01—Subsidiary Legislation). So long as this declaration remains in force, the provisions of this Act relating to staff must be read and construed accordingly.

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2015

CHAPTER 21:04

NATIONAL LOTTERIES ACT

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CHAPTER 21:04

NATIONAL LOTTERIES ACT

An Act to provide for the establishment of a National Lotteries Control Board for the promotion and conduct of national lotteries. 22 of 1968.

[12TH AUGUST 1968]

Commencement.
50 of 1970*.

1. This Act may be cited as the National Lotteries Act.

Short title.

PRELIMINARY

2. In this Act—

Interpretation.
[32 of 1988
11 of 2004].

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

“financial year” means the twelve months ending on the 30th day of September in any year;

“instant lottery” means a national lottery wherein a purchaser of a ticket is able to determine, at the time of purchase, whether or not he is a winner by—

- (a) rubbing a coin on a section of the ticket which will reveal six numbered panels; and
- (b) verifying that three out of the six panels bear the same numbers;

“instant lottery surplus” means the amount realised after defraying all the expenses and payment of the prize money from the proceeds received from each instant lottery;

“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;

* Section 33 of this Act as originally enacted provided for its coming into operation on a date to be fixed by Proclamation. No such Proclamation was published and Act No. 50 of 1970 was passed providing for the commencement of this Act; and, also for an indemnity in respect of any act done under and in pursuance of this Act between the 12th August 1968 and the 23rd December 1970.

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

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

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

“Secretary” means the Secretary of the Board;

“Standing Orders” means the Standing Orders made by the Board under section 6(10);

“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 incorporation 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*.

Appointment of Secretary.

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.

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

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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 the 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 subsection (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 and certified copies of the 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 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 functions and to exercise such powers as the Board may determine, but 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 written law 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. [9 of 2006].

- (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; and
- (g) do all such things as are incidental or conducive to the attainment of its objects.

10. In the exercise of its functions, powers and duties under this Act or any other written law, 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 120 of the Constitution, the Judicial and Legal Service

*See Note on page 2.

Commission established and constituted under section 110 of the Constitution or the Statutory Authorities Service Commission established under section 4 of the Statutory Authorities Act, as the case may require; Ch. 24:01.

“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; Ch. 23:01.

“Personnel Department” means the Personnel Department established under section 13 of the Civil Service Act.

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 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 Act. Ch. 23:52.

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 Responsibility of officers.

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.

(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.

Acquisition and disposal of property by the Board.
[9 of 2006].

20A. (1) Subject to the approval of the Minister, the Board may—

(a) acquire, hold and enjoy any property, real or personal by purchase, devise, bequest, gift or in any other way; and

(b) lease, accept surrenders of leases, mortgage, grant or accept licences, rights of way or easements.

(2) The Board shall, in accordance with this section and with the approval of the Minister, dispose of property which is no longer required for the purposes of the Board.

Application of revenue.
[9 of 2006].

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

(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 operation; and
- (e) acquisition and maintenance of real and personal property for the purposes for which the body corporate is constituted.

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

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

Proceeds of national lotteries.

(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.

23A. Notwithstanding anything contained in section 21 or section 23 the instant lottery surplus shall be paid into the Sport and Culture Fund established by section 3 of the Sport and Culture Fund Act.

Instant lottery surplus. [32 of 1988]. Ch. 40:54.

Public
accounts.

24. The National Lotteries Account and the accounts of the Board shall be public accounts within the meaning of section 116 of the Constitution.

Accounting
of Board.

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.

(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.

Cash deposits
and payments.

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.

(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.

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:

Rules made
by the Board.

- (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. Legal proceedings may, in any Court of summary jurisdiction be conducted on behalf of the Board—

Legal
proceedings.

- (a) by the Secretary or the Manager;
- (b) by any other officer of the Board authorised to do so 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.

Unclaimed
moneys.

29. (1) All moneys in respect of the winnings in any national lottery that remain 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.

(2) The Minister shall, on presentation of proof to his satisfaction by the winner of any such moneys, that the 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 Minister, be entertained and all rights, claims, actions or other causes in respect of such winnings shall, if not already pending, be barred.

Regulations.

30. The Minister may make Regulations for carrying out the provisions of this Act and without prejudice to the generality of the foregoing the Regulations may—

- (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 the 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.

31. Notwithstanding any rule of law to the contrary, the Minister 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 written law.

Exemption from tax by Order.

32. Notwithstanding any rule of law to the contrary, this Act shall be deemed to have come into operation on 12th August 1968; and no action or other legal proceedings of any kind whatever, whether now pending or not, shall be entertained in respect of or in consequence of any act or thing done under and in pursuance of this Act by reason only that at the material time this Act had not yet been proclaimed.

Commencement and indemnity. [50 of 1970].

SUBSIDIARY LEGISLATION

NATIONAL LOTTERIES REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.

PART I

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4. Board to appoint agents.
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PART II

THE ON-LINE LOTTERY

20. Application of this Part.
21. Definition.
22. Board to appoint times for holding of on-line lottery.

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REGULATION

23. Board to appoint agents.
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[Subsidiary]

79/1969.
[48/1976
17/1977
129/1977
112/1982
34/1994
131/1994].

NATIONAL LOTTERIES REGULATIONS

made under section 30

Citation.

1. These Regulations may be cited as the National Lotteries Regulations.

PART I

LOTTERIES OTHER THAN THE ON-LINE LOTTERY

Application of this Part. [34/1994].

1A. This Part applies to lotteries organised and conducted by the National Lotteries Control Board other than the On-Line Lottery.

Definitions.

2. In these Regulations—

“agent” means a person appointed by the Board and who has entered into an agreement with the Board to purchase for sale a stipulated number of tickets for each lottery during the period of the agreement;

“vendor” means a person registered to sell lottery tickets with an agent.

Board to appoint times for holding of lottery.

3. A lottery shall be held at such time as the Board may appoint and the lottery shall be drawn on the date stated on the tickets but the Board may, if it thinks fit, direct that the lottery be drawn at any time thereafter.

Board to appoint agents.

4. The Board shall appoint agents to sell lottery tickets.

Agent allowed seventeen per cent discount. [129/1977].

5. Each agent shall be allowed a discount of seventeen per cent of the value of the tickets purchased.

6. *(Deleted by LN No. 242/1998).*

Agent to keep register of vendors.

7. (1) Each agent shall keep and maintain a register of the names and addresses of vendors who obtain tickets from him for resale.

(2) The register shall be kept in such a manner and for such period as the Board may direct.

8. Where an agent sells tickets to a vendor, the agent shall give to the vendor a receipt stating the number of tickets so sold and the serial numbers of the tickets.

Agent to give receipt to vendor.

9. On obtaining tickets for resale from an agent with whom he is registered a vendor shall be allowed a discount of not less than eleven per cent of the value of the tickets.

Vendor allowed eleven per cent discount. [129/1977].

10. An agent may terminate his agreement with the Board by giving to the Board two months' notice thereof.

Agent to give Board two months' notice.

11. On the termination of the agency and on the satisfactory settlement of his account with the Board an agent shall be absolved from all obligations stated in the agreement with the Board.

Termination of agency.

12. Regulations 6 to 10 shall be implied terms of every agreement for the purchase of tickets entered into by an agent with the Board. An agent who is in breach of any term of his agreement may have his agreement terminated forthwith and his bond forfeited.

Implied terms in agreement.

13. Before any lottery is drawn the Board shall cause to be published in the *Gazette* and in at least one daily newspaper circulating in Trinidad and Tobago—

Notice of draw.

- (a) the date, the time when and the place where the draw will take place;
- (b) the number and the price of tickets issued by the Board for sale in respect of the lottery, and any other particulars concerning the tickets which it may consider necessary to publish;
- (c) the number and value of the prizes apportioned to the lottery and the place where and the hours during which payment of prizes may be claimed.

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National Lotteries

[Subsidiary]

National Lotteries Regulations

Particulars to be specified on tickets.

14. There shall be specified on every ticket—

- (a) the date and the number or other description of the draw lottery for which the ticket is issued;
- (b) the serial number and price of the ticket;
- (c) the number and value of the prizes apportioned to the lottery for which the ticket is issued including seller's prizes referred to in regulation 18;
- (d) any other information or conditions (not inconsistent with the Act) in connection with the conduct of the lottery that the Board may think fit.

Procedure at draw. [48/1976].

15. (1) Subject to this regulation, a lottery shall be drawn as follows:

- (a) members present at a draw shall before the commencement of the draw elect one of their number to preside at the draw;
 - (b) where only one member is present at a draw, he shall preside;
 - (c) where no member is present at a draw, the Director of the National Lottery shall preside and, in the absence of the Director, the Deputy Director or the Secretary shall preside.
- (2) The person presiding at the draw shall—
- (a) put or cause to be put in motion the machine or other contrivance approved by the Board for drawing the numbers of the winning tickets;
 - (b) declare the numbers of the winning tickets so drawn and in the event of the same number being drawn more than once at a draw declare the second or subsequent draw of that number null and void;

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(c) in the event of a breakdown or other difficulty occurring in the operation of the machine or contrivance, direct that the drawing of the numbers of the tickets then remaining to be drawn be postponed until he is satisfied that the draw can be resumed without difficulty.

(3) If, at the time when a draw is postponed under subregulation (2)(c), one or more, but not all, of the digits necessary to determine the number of a winning ticket has been drawn, the number of that ticket shall, when the draw is resumed, be drawn afresh as to all its digits, and the digit or digits drawn before the postponement of the draw shall be disregarded.

(4) For the purpose of witnessing a draw of a lottery the public shall be admitted to the premises upon which the draw is conducted so far as may reasonably be practicable having regard to the accommodation available for the purpose.

(5) Any person who obstructs or impedes the drawing of a lottery or creates any disturbance on or near the premises on which a lottery is being or is about to be drawn, is liable on summary conviction to a fine of seventy-five dollars or to imprisonment for one month.

16. The Board shall cause the numbers of the winning tickets drawn in every lottery to be published in the *Gazette* and in at least one daily newspaper circulating in Trinidad and Tobago as soon as practicable after the lottery has been drawn.

Result of
draw to be
published.

17. Prizes shall be paid by the Board in respect of winning tickets in a lottery in accordance with the following provisions:

Payment of
prizes.
[17/1977].

(a) payment shall be claimed by presenting and delivering up the ticket in respect of which the claim is made at the place and during the hours appointed for the purpose in the notice published in accordance with regulation 13;

- (b) payment shall be claimed within one year after the day of the draw at which the ticket in respect of which the claim is made was declared a winning ticket;
- (c) payment shall be made to the person who presents the ticket for the payment of the prize won by that ticket and the payment shall absolutely discharge the Board, its servants and agents of liability for payment of that prize.

Seller's prize.

18. The seller's prize shall be paid to the agent or vendor who sells any of the winning tickets on which sellers' prizes are payable. In determining the person to whom the seller's prize should be paid, the agent concerned shall be required to notify the Board in writing, whether the ticket for which the seller's prize is payable was sold by him or by a vendor. Where the information from the agent shows that the ticket was sold by a vendor, the vendor is entitled to claim the prize by presenting a *bona fide* receipt from the agent. The records of the Board shall be used to verify the information submitted by the agent before payment is made. If the ticket was sold by the agent himself he is entitled to the seller's prize.

Auditor General to approve accounting system.

19. The Board shall employ such system of accounting as the Auditor General may approve.

PART II

THE ON-LINE LOTTERY

Application of this Part. [34/1994].

20. This Part applies to the On-Line Lottery as organised and conducted by the National Lotteries Control Board.

Definition. [34/1994].

21. In this Part—

“agent” means a person who has entered into an agreement with the Board to conduct on-line lottery sales and operations during the period of the agreement;

“central computer system” means the computer system used to operate the On-Line Lottery;

“on-line lottery” or “lottery” means a game or set of games authorised by the Board in which a person selects a combination of numbers, the type of game and amount of plays for a pre-determined drawing date by the use of an on-line terminal and in return for paying the appropriate fee, the player receives a computer generated ticket with the player’s selection printed on it;

“player” means a person participating in an on-line lottery;

“playslip” means the card supplied by the Board for use in marking the selections of a player;

“Quick Pick” means a set of numbers which is selected on a random basis by the central computer system;

“terminal” means the on-line computer hardware and software by which an agent enters the combination of numbers selected by the player and by which tickets are generated and transactions entered and processed;

“ticket” means the ticket issued by a terminal to record the player’s plays, the on-line lottery game, the price of the ticket and any other information as the Board may from time to time include.

22. An on-line lottery shall be held at such time as the Board may appoint and shall be drawn on the date stated on the ticket but the Board may, if it thinks fit, direct that the lottery be drawn at any time thereafter.

Board to appoint times for holding of on-line lottery. [34/1994].

23. The Board shall appoint agents to sell on-line lottery tickets in accordance with the agreement entered into between the Board and the agent.

Board to appoint agents. [34/1994].

24. An agent shall be entitled to a commission of not less than six per cent of net on-line lottery sales effected by him.

Agent allowed commission. [34/1994].

25. An agent shall give a bond, fee, guarantee, or other security instrument in the amount and in such form as the Board may from time to time determine.

Agents to give bond. [34/1994].

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Settlement of
account.
[34/1994].

26. On the termination of an agency and on the satisfactory settlement of his account with the Board an agent shall be absolved from all obligations stated in the agreement with the Board.

Implied terms.
[34/1994].

27. Regulations 25 and 26 shall be implied terms of every agreement entered into by an agent with the Board.

Publication by
Board.
[34/1994].

28. Prior to the introduction of any on-line lottery or any changes thereto the Board shall cause to be published in the *Gazette* and at least one daily newspaper—

- (a) the price of tickets for the on-line lottery;
- (b) the category of prizes and allocation of prize pools for the on-line lottery and the place where and the hours during which payment of prizes may be claimed;
- (c) the date, the time when, the manner in which and the place where the draw will take place;
- (d) any other particulars concerning the lottery which the Board may consider necessary to publish.

Purchase of
tickets.
[34/1994].

29. (1) A player shall submit a completed playslip to an agent who shall process the completed playslip through the terminal which will issue a ticket recording the combination of numbers, amount of plays, type of game, number of draws and the range of draw dates selected on the playslip.

(2) A playslip has no monetary or prize value and shall not in any circumstances constitute evidence of a ticket purchase or of numbers selected.

(3) A player may, by specifying the numbers required per play, request that the agent manually enter the numbers selected into the terminal.

(4) Where a Quick Pick facility is available and a player requests Quick Pick plays, the agent shall without requiring a playslip, issue a ticket through the terminal which has recorded on it the requested number of Quick Picks plays.

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(5) Only the plays which are recorded by the central computer system are valid for participation in the on-line lottery.

30. (1) A ticket may be cancelled only if returned to the issuing terminal prior to the close of ticket sales on the date of purchase. Cancellation of tickets. [34/1994].

(2) Subject to subregulation (1) a ticket purchased on the day of a draw and eligible for that draw may be cancelled only if returned to the issuing terminal prior to the time ticket sales for that draw close.

(3) On cancellation of a ticket the player presenting the ticket for cancellation shall be entitled to a refund from the agent equal to the price of the ticket.

(4) The Board shall not accept responsibility for tickets cancelled in error.

31. (1) The player shall verify that the plays recorded on the ticket correspond with those marked on the playslip or otherwise specified and that the date of the draw printed on the ticket is correct. Responsibility of ticket purchaser. [34/1994].

(2) The Board and the agent shall not be liable for any errors or omissions in respect of the information recorded on any ticket or for any other defect in the ticket.

(3) Cancellation of a ticket pursuant to regulation 30 is the sole remedy where there is an error or omission on a ticket.

32. (1) Tickets shall be sold only during the hours stipulated by the Board. Regulation of sales. [34/1994].

(2) A ticket shall not be sold after the date and time of closure of ticket sales for the draw for which the ticket was issued.

(3) A ticket shall not be sold at a higher price or in a form other than that stipulated by the Board.

(4) No person other than an agent or his employee may issue tickets through a terminal.

Procedure
of draw.
[34/1994
131/1994].

33. (1) A draw shall be presided over by a member or other designee of the Board.

(2) The person presiding at the draw shall—

- (a) put or cause to be put in motion the machine or other contrivance approved by the Board for drawing the winning numbers;
- (b) declare the winning numbers so drawn;
- (c) in the event of a breakdown or other difficulty occurring in the operation of the machine or contrivance, direct that the drawing of the winning numbers then remaining to be drawn be postponed until he is satisfied that the draw can be resumed without difficulty.

(3) If, at the time when a draw is postponed under subregulation (2)(c), one or more, but not all, of the winning numbers or digits of a winning number has been drawn, when the draw is resumed it shall be resumed from the point at which it was postponed.

(4) For the purpose of witnessing a draw on an on-line lottery the public shall be admitted to the premises upon which the draw is conducted so far as may be practicable having regard to the accommodation available for the purpose.

(5) Any person who obstructs or impedes the drawing of a lottery or creates any disturbance on or near the premises on which a lottery is being or is about to be drawn, is guilty of an offence and liable on summary conviction to a fine of five hundred dollars.

Results of draw
to be published.
[34/1994].

34. The Board shall cause the winning numbers drawn in an on-line lottery to be published in the *Gazette* and in at least one daily newspaper as soon as practicable after the lottery has been drawn.

Payment of
prizes.
[34/1994].

35. Prizes shall be paid by the Board in respect of winning tickets in an on-line lottery as follows:

- (a) payment shall be claimed by presenting and delivering up the ticket in respect of which the

- claim is made at the place, and during the hours appointed for the purpose in the notice, published in accordance with regulation 28;
- (b) an agent may validate a ticket and pay prizes up to a maximum amount per winning wager as the Board may from time to time determine irrespective of the location where the winning ticket was purchased;
 - (c) payment shall be claimed within six months after the day of the draw;
 - (d) the Board may withhold payment of a prize until it is satisfied as to the validity of a ticket;
 - (e) no right of any person to a prize won shall be assignable;
 - (f) payment of a prize won may be paid to the estate of a deceased prize winner, or pursuant to a Court order;
 - (g) where payment of a prize is made by the Board pursuant to subregulation (f) the Board, its servants and agents shall be discharged of all liability;
 - (h) a winning ticket which has been sold shall be deemed to be a bearer instrument.

36. In addition to any other requirements specified in these Regulations, the following requirements shall apply before a ticket shall be regarded as a valid prize-winning ticket:

Validation of
prize-winning
tickets.
[34/1994].

- (a) the ticket shall be issued on behalf of the Board by an agent through a terminal;
- (b) the ticket shall be intact and shall not be mutilated, altered, illegible, incomplete or tampered with in any manner;
- (c) the information recorded on the ticket must correspond with the central computer system computer records;
- (d) each number on the ticket must be legible;

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- (e) the ticket shall not be defectively printed or produced in error to an extent that it cannot be processed by the Board;
- (f) the ticket shall not be counterfeit or cancelled;
- (g) the ticket shall not appear on the central computer system computer records of cancelled tickets;
- (h) all information appearing on the ticket shall appear in the computer records of winning tickets in the central computer system;
- (i) the ticket shall pass all additional confidential validation tests and security criteria established by the Board;
- (j) the Board shall not in any circumstances be liable to the purchaser of a ticket for any act or omission of an agent.

Board's decision final. [34/1994].

37. (1) The Board's decision and judgment with respect to the determination of a winning ticket or any other dispute arising from the payment or awarding of prizes shall be final.

(2) In the event that a dispute arises in relation to a winning ticket the Board may withhold payment of prize winnings until a decision has been reached.

Disclaimer of liability. [34/1994].

38. Neither the Board nor an agent shall be liable for any loss incurred by the bearer of a ticket, or any other person arising from the participation of that person in any on-line lottery and in particular, for—

- (a) the failure of, or damage or destruction to the central computer system; or
- (b) any other action or event which prevents or hinders the issue of a valid ticket.

Auditor General to approve accounting system. [34/1994].

39. The Board shall employ such system of accounting for the on-line lottery as the Auditor General may approve.

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