

CHAPTER 41

THE NATIONAL LOTTERIES ACT

[PRINCIPAL LEGISLATION]

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SCHEDULE

CHAPTER 41

THE NATIONAL LOTTERIES ACT

An Act to provide for the establishment of the Board of Trustees of the National Lotteries and provide for its functions and related matters.

[1st August, 1974]

Acts Nos.

24 of 1974

17 of 1990

[PCh41s1]1. Short title

This Act may be cited as the National Lotteries Act.

[PCh41s2]2. Interpretation

In this Act, unless the context otherwise requires—

"Board" means the Board of Trustees of the National Lotteries established by this Act;

"Director" means the Director of National Lotteries appointed under section 4 and includes, save for the purposes of the Schedule to this Act, any Deputy Director;

"Minister" means the Minister responsible for finance;

"National Lottery" means a national lottery authorised by this Act;

"selling agent" means any person appointed by the Board to sell tickets in a national lottery.

[PCh41s3]3. National Lotteries Board

(1) There is hereby established a Board of Trustees of the National Lotteries.

(2) The Board shall—

(a) be a body corporate with perpetual succession and a common seal;

(b) in its corporate name be capable of suing and being sued;

(c) be capable of holding, purchasing or otherwise acquiring, and disposing of, any property, movable or immovable, for the purposes of carrying out the functions conferred upon it by or under this Act or any other written law.

(3) The provisions of the Schedule to this Act shall have effect as to the constitution and proceedings of the Board and otherwise in relation to the Board.

(4) The Minister may, by Order in the Gazette, amend, vary or replace the Schedule to this Act.

[PCh41s4]4. Director and other officers

(1) The Minister shall appoint a suitable person to be the Director of National Lotteries.

(2) The Director shall, by virtue of his office, be a member of the Board in addition to being the chief executive officer of the Board.

(3) The Board may appoint, on such terms and conditions as the Board may, after consultation with the Minister, determine, a Deputy Director and such number of other officers as the Board may consider necessary for an efficient performance of its functions under this Act.

[PCh41s5]5. Functions of Board

(1) The functions of the Board shall be—

(a) subject to the provisions of this Act, to conduct and promote, from time to time, a national lottery;

(b) to use and administer the National Lotteries Fund and other funds and resources of the Board in accordance with the provisions of this Act;

(c) to do all such acts and things as may be necessary for efficient performance of its functions.

(2) The Minister may give to the Board directions of a general or specific character as to the carrying out of its functions, and the Board shall give effect to every such direction.

[PCh41s6]6. National lotteries to be lawful

For the avoidance of doubts it is hereby declared that every national lottery promoted and conducted by the Board pursuant to this Act shall be lawful notwithstanding the provisions of any written law to the contrary.

[PCh41s7]7. Rules respecting national lotteries

Every national lottery shall be conducted by the Board in accordance with the following rules—

(a) the Board shall, before the sale of tickets in a lottery commences, cause to be published in the Gazette particulars as to—

(i) the quantity, series and prices of the tickets to be issued;

(ii) the schedule of prizes offered to winners;

(iii) the dates within which tickets may be sold, the date of the draw and the place at which and the manner in which the draw will be performed and the results published;

(b) tickets in a national lottery may be sold by the Board or through selling agents;

(c) the Director shall publish the results of the draw in the manner specified in the notice published in accordance with paragraph (a);

(d) prize winners shall be responsible for claiming prizes;

(e) the Board may decline to pay or award a prize claimed where—

(i) the ticket is not whole or if it bears any alteration, abrasion or erasure, or

(ii) in the opinion of the Board the ticket is not genuine, and the decision of the Board in respect of such matters shall be final.

[PCh41s8]8. Selling agents

The Board may appoint such selling agents in respect of each national lottery at such remuneration or commission and subject to such further terms and conditions as the Board shall think fit.

[PCh41s9]9. Financial resources

The financial resources of the Board shall consist of—

- (a) such sums as may be provided for the purposes of national lotteries by Parliament either by way of grant or loan;
- (b) the proceeds of the sale of lottery tickets;
- (c) such sums as the Board may, from time to time, with the consent of the Minister borrow for the purposes of national lotteries;
- (d) such sums as may, in any manner become payable to or vested in the Board either under the provisions of this Act or any other written law, or incidental to the carrying out of its functions:

Provided that any person lending money to the Board shall not be bound to enquire whether the raising of such loan by the Board has been approved by the Minister.

[PCh41s10]10. National Lottery Fund Act No. 17 of 1990 s. 42

(1) The Board shall establish a special fund to be designated as the National Lottery Fund into which shall be paid half of all the revenue collected at each national lottery.

(2) Subject to subsection (1), the remainder of the revenue collected at any national lottery shall be paid into the Consolidated Fund of the United Republic.

[PCh41s11]11. Purposes for which Fund may be used

(1) There shall be paid out of the National Lottery Fund—

- (a) lottery prizes;
- (b) commission and remuneration of selling agents;
- (c) salaries, wages, and allowances of the Director and other employees of the

Board;

(d) all lawful and necessary expenses incurred by the board and other disbursements authorised by the Minister.

(2) The Board may with the consent of the Minister and shall, if so directed by the Minister, utilise the balance of the national Lotteries Fund to finance cultural and sports activities proposed or approved by the Minister for the time being responsible for national culture.

[PCh41s12]12. Annual and supplementary budget

(1) In this Act "financial year" means any period not exceeding twelve consecutive months designated in that behalf by the Board:

Provided that the first financial year after the commencement of this Act shall commence on the date of the commencement of this Act.

(2) Not less than two months before the beginning of any financial year (other than the first financial year) the Board shall, at its meeting especially convened for that purpose, pass a detailed budget (in this Act called the annual budget) of the amounts respectively—

- (a) expected to be received; and
- (b) expected to be disbursed,

by the Board during that financial year.

(3) If in any financial year the Board requires to make any disbursement not provided for, or of an amount in excess of the amount provided for, in the annual budget for the year, the Board shall, at a meeting, pass a supplementary budget detailing such disbursement.

(4) The annual budget and every supplementary budget shall be in such form and include such details as the Minister may direct.

(5) Forthwith upon passing of any annual budget or any supplementary budget the Board shall submit the same to the Minister for his approval.

(6) The Minister shall, upon receipt of the annual budget or any supplementary budget, approve or disapprove the same or may approve subject to such amendment as he may deem fit.

(7) Where the Minister has approved any annual budget or supplementary budget, the budget, as amended by him, shall be binding on the Board which, subject to the

provisions of subsection (8), shall confine its disbursements within the items and the amounts contained in the applicable budget as approved by the Minister.

(8) The Board may—

(a) with the sanction in writing of the Minister, make a disbursement notwithstanding that such disbursement is not provided for in any budget;

(b) from the amount of expenditure provided for in any budget in respect of any item, transfer a sum not exceeding fifty thousand shillings to any other item contained in such budget;

(c) adjust expenditure limits to take account of circumstances not reasonably foreseeable at the time the budget was prepared subject to submitting a supplementary budget to the Minister within two months of such alteration of expenditure limits becoming necessary.

[PCh41s13]13. Reserve and special funds

The Board may, and shall, if so directed by the Minister, establish and maintain such reserve and other special funds of the Board as the Board or the Minister may consider necessary or expedient, and shall make into or from any such funds such payments as the Board may deem fit or, in the case of a fund established pursuant to a direction of the Minister, as the Minister may direct.

[PCh41s14]14. Investment

With the prior approval of the Minister the Board may, from time to time, invest any part of the moneys available in any fund of the Board maintained by it in such manner as the Board may deem fit.

[PCh41s15]15. Accounts and audit

(1) The Board shall cause to be provided and kept proper books of accounts and records with respect to—

(a) the receipt and expenditure of moneys by, and other financial transactions of, the Board;

(b) the assets and liabilities of the Board,

and shall cause to be made out for every financial year a balance sheet showing details of the income and expenditure of the board and all its assets and liabilities.

(2) Not later than six months after the close of a financial year, the accounts, including the balance sheet, of the Board shall be audited by the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act *.

(3) As soon as the accounts of the Board have been audited and in any case not later than six months after such auditing, the Board shall submit to the Minister a copy of the audited statement of accounts together with a copy of the report thereon made by the auditors.

(4) Every such audited balance sheet shall be placed before a meeting of the Board and, if adopted by the Board, shall be endorsed with a certificate that it has been so adopted.

(5) As soon as practicable after the receipt by him of the copy of the statement together with the copy of the report submitted pursuant to subsection (3) the Minister shall lay a copy of the statement together with a copy of the report before the National Assembly.

[PCh41s16]16. Liability of members, etc.

Without prejudice to the provisions of section 284A of the Penal Code * or of the Public Officers (Recovery of Debts) Act *, no act or thing done, or omitted to be done, by any member of the Board or by any officer, servant or agent of the Board shall, if done or omitted bona fide in the execution or purported execution of his duties as such member, officer, servant or agent, subject any person to any action, liability or demand whatsoever.

[PCh41s17] 17. Offences

Any person who—

(a) sells any national lottery ticket at a price exceeding the price for the ticket specified in the Gazette; or

(b) being a selling agent fails to pay or remit to the Board the net proceeds payable by him through sale of tickets within the time required by the Board; or

(c) counterfeits, fraudulently alters, or forges any ticket or counterfoil or receipt made or issued under and for the purposes of a national lottery, commits an offence and is liable upon conviction to a fine not exceeding fifteen thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

[PCh41s18]18. No limitation in compensation orders

The proviso to subsection (1) of section 353 of the Criminal Procedure Act * shall not apply in respect of an offence against this Act.

[PCh41s19]19. Prosecutions

The Director, a Deputy Director or any police officer may institute and conduct any prosecution.

[PCh41s20]20. Regulations

The Board may, with the consent of the Minister, make regulations necessary or desirable to give effect to the provisions of this Act and without prejudice to the generality of the foregoing, regulations may be made for all or any of the following purposes—

- (a) for fixing the number and value of the prizes to be allotted in respect of national lotteries and regulating the mode of payment thereof;
- (b) for fixing the number of tickets to be issued for sale by the Board and the price of each ticket and for regulating the mode of payment of the same to the Board;
- (c) for fixing the remuneration and commission and responsibilities of selling agents;
- (d) concerning the safe keeping of the counterfoils and the receipts given for counterfoils and tickets;
- (e) for determining the procedure relative to a draw;
- (f) for prescribing the persons to be present at a draw and their powers and duties in relation thereto and to any dispute or difficulty which may arise in connection with the draw;
- (g) prescribing the form and design of tickets and counterfoils and precautions against forgery and counterfeiting;
- (h) prescribing the procedure for claiming prizes and for the disposition of unclaimed prizes;

(i) prohibiting any person from sending or attempting to send out of Tanzania any money or valuable thing relating to any lottery or any document recording the sale or distribution or the identity of the holder of any ticket or chance in any lottery.

[PCh41s21]21. Repeal of R.L. Cap. 576

[Repeals the Government Lotteries Act, and transitional provisions.]

SCHEDULE

(Section 3(3))

1. Constitution

(1) The Board shall consist of the following members—

- (a) a Chairman appointed by the Minister;
- (b) the Director;
- (c) not less than four and not more than eight other members appointed by the

Minister after consultation with the Minister for the time being responsible for culture.

(2) The members of the Board shall, from among their number, elect a Vice-Chairman, who shall hold office for so long as he remains a member of the Board.

(3) A member of the Board shall, unless his appointment is sooner determined by the Minister, or he otherwise ceases to be a member, hold office for such period as the Minister may specify in his appointment, or if no period is so specified, for a period of two years from the date of his appointment, and shall be eligible for re-appointment:

Provided that in the case of a member who is a member by virtue of his holding some other office, he shall cease to be a member upon his ceasing to hold that office.

(4) Any member of the Board may at any time resign by giving notice in writing to the Minister; and from the date specified in the notice or, if no date is so specified, from the date of the receipt of the notice by the Minister, he shall cease to be a member.

(5) The Board may, with the approval of the Minister, appoint any member of the Board or a public officer to be the Secretary to the Board.

2. Absent member to be replaced at meetings

If a member is unable for any reason to attend a meeting, the Minister may, in writing, nominate another person in his place for the purpose of that meeting.

3. Casual vacancies

Where any member ceases to be a member for any reason before the expiration of his term of office, the Minister shall appoint another person in his place and the person so appointed shall hold office for the remainder of the term of office of his predecessor.

4. Meetings

(1) An ordinary meeting of the Board shall be convened by the Chairman and the notice specifying the place, date and time of the meeting shall be sent to each member at his usual place of business or residence not less than fourteen days before the date of such meeting.

(2) In case the Chairman is unable to act by reason of illness, absence from Tanzania, or other sufficient cause, the Vice-Chairman may convene such meeting.

(3) The Chairman, or in his absence, the Vice-Chairman, shall be bound to convene a special meeting of the Board upon receipt of a request in writing in that behalf signed by not less than three members of the Board and not less than seven days' notice of such

meeting shall be given to all members of the Board in the manner prescribed in subparagraph (1).

(4) The Chairman, the Vice-Chairman, or the temporary Chairman elected in accordance with the provisions of paragraph 5(2) presiding at any meeting of the Board may invite any person who is not a member to participate in deliberations of the Board, but any such person shall not be entitled to vote.

5. Procedure

(1) One half of the total number of the members of the Board or three members, whichever is the lesser number, shall form a quorum for a meeting of the Board.

(2) In the absence of the Chairman from a meeting of the Board, the Vice-Chairman shall preside and in the absence of both the Chairman and the Vice-Chairman from any meeting the members present shall elect one of their number to be a temporary Chairman of that meeting.

(3) At any meeting of the Board a decision of the majority of the members present and voting shall be deemed to be a decision of the Board and in the event of an equality of votes the Chairman of the meeting shall have a casting vote in addition to his deliberative vote.

(4) Notwithstanding the provisions of subparagraph (2), where the Chairman so directs, a decision may be made by the Board without a meeting by circulation of the relevant papers among all the members and the expression in writing of their views, but any member is entitled to require that any such decision be deferred until the subject matter is considered at a meeting of the Board.

6. Minutes of meeting

Minutes in proper form of the Board shall be kept and shall be confirmed by the Board at the next meeting and signed by the Chairman of the meeting.

7. The seal of the Board

The seal of the Board shall not be affixed to any instrument except in the presence of the Director or the Deputy Director and one member of the Board.

8. Vacancies, etc., not to invalidate proceedings

Subject to the provisions of paragraph 5 relating to quorum, the Board may act notwithstanding any vacancy in the membership thereof and no act or proceeding of the Board shall be invalid by reason only of some defect in the appointment of a person who purports to be a member thereof.

9. Orders, directions, etc.

Any Order, regulations, directions, notices or documents made or issued by the Board shall be signed by—

(a) the Director; or

(b) any member of the Board or other officer of the Board authorised in writing by the Director in that behalf.

10. Board may regulate its own proceedings

Subject to the provisions of this Schedule, the Board shall have power to regulate its own proceedings.