

CHAPTER L11 - LOTTERIES (GOVERNMENT) LAW

ARRANGEMENT OF SECTIONS

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LOTTERIES (GOVERNMENT) LAW

A Law to provide for the promotion and conduct of government lotteries.

[KWS 1 of 1969, KWS 7 of 1970.]

[Date of commencement: 1st March, 1969]

1. Short title

This Law may be cited as the Lotteries (Government) Law.

2. Interpretation

In this Law, unless the context otherwise requires—

"Government lottery" means a scheme promoted and conducted under the provisions of this Law for distributing prizes by lot;

"**Commissioner for Finance**" means the State Commissioner responsible for Financial Affairs;

"**prescribed**" means prescribed by regulations made under this Law;

"**the Principal Lotteries Officer**" means such member of the public service of

the State as the Governor may from time to time on the recommendation of the Commissioner for Finance, appoint as the Principal Lotteries Officer;

"the State" means Kwara State of Nigeria.

3. Power to promote and conduct government lotteries

(1) Subject to the provisions of this Law, it shall be lawful for the Principal Lotteries Officer from time to time to promote and conduct in the prescribed manner a government lottery, and in relation thereto to do all such acts and things and give all such directions as he may deem necessary or expedient for that purpose or as may be prescribed.

(2) The Principal Lotteries Officer shall not promote or conduct a government lottery unless authority has been given therefor by the Commissioner for Finance.

4. Accounts and application of profits

(1) All monies received from the sale of tickets in, or from the promotion and conduct of, a government lottery shall be paid into a special deposit account in the Treasury to be called "the Government Lotteries Fund".

(2) In respect of each government lottery there shall be paid out of the said account, without any further appropriation other than this Law, the prizes, the expenses of administration and all other charges connected therewith and any credit balance after the closing of the accounts in respect of that lottery shall be carried to an account in the Treasury to be called the "Profit from Government Lotteries Account".

(3) At any time when the amount standing to the credit of the Profit from Government Lotteries Account exceeds such sum as may be prescribed that sum shall be carried to an account in the Treasury to be called the Capital Development Fund.

(4) (a) If at any time the sum standing to the credit of the Government Lotteries Fund is insufficient to meet, either wholly or in part, the payment of the prizes in respect of a government lottery, the expenses of administration thereof or any charges connected

therewith, the deficit shall be made good out of—

- (i) the profit from Government Lotteries Account; or
- (ii) to the extent that there is an insufficient amount standing to the credit of the profit from Government Lotteries Account, by an advance from the revenues of the State.

(b) An advance made under subparagraph (ii) of paragraph (a) shall be repayable out of the Government Lotteries Fund.

(5) The Commissioner for Finance shall cause the accounts referred to in this section to be opened in the Treasury.

5. Freedom from penalties

Any buyer or holder of a ticket in respect of a government lottery, and any person acting under the authority or on behalf of such a buyer or holder, and any person acting under the authority or on behalf of the Principal Lotteries Officer, or carrying out any prescribed duties or functions in relation to or in connection with the promotion or conduct of a government lottery, shall be freed and discharged from all penalties, suits, prosecutions, and liabilities to which by law he would be liable but for this Law as being concerned in an illegal lottery or as offending against Chapter XIV of the Penal Code.

6. Power to make regulations

(1) The Governor may make regulations not inconsistent with the provisions of this Law prescribing all matters which by this Law are required or authorised to be prescribed or which are necessary or convenient for the carrying out or giving effect to this Law and in particular (without prejudice to the generality of the foregoing) may by such regulations make provision for all or any of the following matters—

- (a)* the number and value of the prizes to be distributed in any government lottery;

- (b)* the establishment of authorities to exercise such powers and perform such duties as may be prescribed in any regulations made hereunder;
- (c)* the appointment, duties and remuneration of agents and authorised sellers for the sale of tickets;
- (d)* the form of any tickets, or other documents to be used in the conduct of a government lottery;
- (e)* the number of tickets to be issued by the Principal Lotteries Officer in any government lottery and the price of each ticket;
- (f)* the issue of tickets and the method of disposal of tickets issued in respect of any government lottery;
- (g)* the appointment of the time when and the place where drawings shall take place for the allotment of prizes and the manner in which a draw shall be conducted;
- (h)* 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;
- (i)* the method of making claims in respect of prizes;
- (j)* the determination of any dispute as to the person entitled to any prize or money;
- (k)* the disposal of unclaimed prizes or money or of prizes or money as to which any dispute has arisen;
- (l)* prescribing amounts for the purposes of subsection (3) of section (4);
and
- (m)* the management of any fund or account for which provision is made in section 4.

- (2) Regulations made under subsection (1) may provide for—
- (a) the conferring of functions upon officers of the public service of the State, other persons and authorities in relation to the sale of tickets and the remuneration of such other persons or authorities;
 - (b) the forfeiture to the Principal Lotteries Officer of tickets and prizes in certain events to be specified therein;
 - (c) the deduction by agents, other persons or authorities of the remuneration prescribed from any monies received in the performance of the functions conferred by such regulations on agents, other persons or authorities;
 - (d) the time within which any requirement of the regulations is to be carried out.

7. Publication of accounts

The Commissioner for Finance shall as soon as practicable after the close of each financial year cause to be published in the State Gazette a statement of the receipts and expenditure in respect of the funds and accounts established in accordance with the provisions of section (4).

CHAPTER L11

LOTTERIES (GOVERNMENT) LAW

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Lotteries (Government) Regulations.

LOTTERIES (GOVERNMENT) REGULATIONS

ARRANGEMENT OF REGULATIONS

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LOTTERIES (GOVERNMENT) REGULATIONS

In exercise of the powers conferred by section 6 of the Lotteries (Government) Law, 1969, the following regulations are hereby made by the Military Governor of the Kwara State of Nigeria.

[KWS LN 1 of 1969, KWS LN 7 of 1970.]

[Date of commencement: *1st March, 1969*]

1. Short title and commencement

These regulations may be cited as the Lotteries (Government) Regulations, 1969, and shall come into operation on the 1st day of March, 1969.

2. Interpretation

In these regulations, unless the context otherwise requires—

"**agent**" means a person appointed as an agent by the Principal Lotteries Officer in accordance with regulation 6;

"**authorised seller**" means a person appointed as an authorised seller by the Principal Lotteries Officer in accordance with regulation 6;

"**head office**" means the central office of the Government Lotteries in the Ministry of Finance, Kwara State, Ilorin;

[KWS LN 7 of 1970.]

"**lottery**" means a government lottery;

"**the Board**" means the Government Lotteries Board constituted under regulation 3;

"**the Commission**" means the Government Lotteries Commission constituted under regulation 9;

"**ticket**" means a ticket of lottery.

2. Constitution and duties of the Government Lotteries Board

(1) There shall be constituted a Board to be called the Government Lotteries Board.

(2) The Board shall consist of—

- (a)* a representative of the Principal Lotteries Officer as Chairman;
- (b)* a representative of the Accountant-General; and
- (c)* a representative of the Permanent Secretary of the Ministry of Finance.

(3) It shall be the duty of the Board in relation to a lottery—

- (a)* to ascertain and report to the Principal Lotteries Officer—
 - (i)* whether the number of tickets printed for a lottery corresponds to the number authorised in accordance with regulation 4;
 - (ii)* whether the serial-numbers on the tickets are correct;
 - (iii)* the number of tickets entered for the draw from the cash receipts issued by the head office; and
 - (iv)* particulars of unsold tickets; and
- (b)* to perform such other functions as are imposed upon them by these regulations or as may be required by the Principal Lotteries Officer.

4. Authorisation of lottery

(1) The Commissioner for Finance may from time to time authorise the promotion and conduct of a lottery by the Principal Lotteries Officer.

(2) Where the Commissioner for Finance has authorised the promotion and conduct of a lottery in accordance with paragraph (1), he shall prescribe—

- (a)* the date and time when and the place where the draw shall take place;
- (b)* the number of tickets to be issued by the Principal Lotteries Officer in respect of the lottery;
- (c)* the closing date for the sale of tickets in respect of the lottery;

- (d) the date by which tickets returned unsold must reach the office of the Principal Lotteries Officer;
- (e) the number and value of the prizes apportioned to the lottery;
- (f) the remuneration of authorised sellers of tickets; and
- (g) the percentage of commission to be allowed in respect of bulk purchases of tickets by agents.

5. Form, design and price of ticket

(1) Tickets shall be printed on water-marked paper and shall be in such form and design as the Commissioner for Finance may approve.

(2) The form of a ticket shall contain—

- (a) the number of the lottery in respect of which it is issued;
- (b) the serial letter and number of the ticket; and
- (c) such other particulars as the Commissioner for Finance may approve.

(3) The price of each ticket shall be five naira.

6. Appointment of agents and authorised sellers

(1) The Principal Lotteries Officer may appoint any person as an agent for the bulk purchase of tickets, or as an authorised seller for the sale of tickets to the public.

(2) Every such appointment shall, subject to the provisions of these regulations, be for a period not exceeding one year, but may, if the Principal Lotteries Officer thinks fit, be renewed for such further period or further successive periods as the Commissioner for Finance may approve generally for the renewal of the appointment of agents and authorised sellers.

(3) The appointment of every agent or authorised seller shall be subject to the condition that he shall comply with the requirements of these regulations and to such other conditions as may be agreed between him and the Principal Lotteries Officer, and if any

agent or authorised seller shall fail to observe or comply with any such condition, the Principal Lotteries Officer may at any time without cause shown revoke his appointment.

7. Issue of tickets

(1) Where a lottery has been authorised in accordance with regulation 4 the Principal Lotteries Officer may make available to an agent or an authorised seller such reasonable quantity of tickets as he may think fit.

(2) The Principal Lotteries Officer may refuse to issue any tickets or part of the quantity of the tickets applied for by any agent or authorised seller and the decision of the Principal Lotteries Officer in this respect shall be final.

9. Return of unsold tickets

An agent shall deliver or cause to be delivered to the head office at Ilorin all unsold tickets on or before the prescribed date. Tickets not received on the due date shall be deemed to have been sold. Only complete booklets of tickets from which no ticket has been sold may be returned or accepted back.

9. Constitution and duties of the Lotteries Commission

(1) There shall be constituted a Commission to be called the Government Lotteries Commission, the members of which shall be the Principal Lotteries Officer, the Director of Audit, a Senior State Counsel in the Ministry of Justice, and two other persons not holding any office of emolument in any public service in the Federation appointed by the Commissioner for Finance in respect of each draw.

(2) The Chairman of the Commission shall be the Principal Lotteries Officer or, if he is not present, one of the other public officer present, who is a member of the Commission, according to the order in which they are mentioned in paragraph (1).

(3) The Commission shall decide any dispute or difficulty which may arise in or during a draw. In deciding any question each of the members of the Commission present

shall have one vote and in the event of an equality of votes the member presiding shall have a casting vote in addition to his original vote.

(4) Whenever a lottery is drawn there shall be present at least three members of the Government Lotteries Commission and a Magistrate appointed for the purpose by the Chief Justice, and, if at the time appointed for the draw, there shall not be that number of members present and a Magistrate appointed for the purpose by the Chief Justice, the draw shall be postponed until such time, whether on the same or another day, as the Chairman of the Commission may direct or in his absence as, may be fixed by the Commissioner for Finance.

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

10. The draw

(1) The draw shall be conducted by taking out the serial letter and number of each of the winning tickets from a machine or contrivance approved by the Commissioner for Finance.

(2) The serial letter and the figures comprising the number of each winning ticket shall be drawn separately and the machine or contrivance shall be set in motion before the drawing of each winning ticket.

(3) The serial letter and numbers of a winning ticket shall be taken out of the machine or contrivance by such person or persons as may be designated for the purpose by the Commission.

(4) When the same serial letter and figures comprising the number of a ticket are drawn more than once for a prize at the draw of a lottery the Commission shall upon the second and every subsequent occasion on which the said letter and figures are drawn

declare them null and void and proceed as if no serial letter and number have been drawn for the prize in question.

(5) Where the number of an unsold ticket is drawn for a prize the Commission shall declare it null and void and proceed as if no such ticket has been drawn for the prize in question.

(6) In the event of any breakdown or other difficulty occurring in the operation of the machine or contrivance aforesaid the Commission may direct that the drawing of the serial letters and numbers of such winning tickets as remain to be drawn shall be postponed until such time as the Commission is satisfied that the draw can be resumed without difficulty.

(7) Where, at the time when a draw is postponed under the provisions of paragraph (6) one or more, but not all of the letters and figures necessary to determine the winning ticket have been drawn, those letters and figures shall remain valid, and, at the recommencement of the draw, only the remaining letters and figures necessary to determine the winning tickets shall be drawn.

(8) The Commission shall draw up and sign a Certificate containing the serial letters and numbers of the winning tickets drawn in the lottery, which shall be countersigned by the Magistrate present at the draw and the Principal Lotteries Officer shall cause the same to be published in the State Gazette, and also in at least two daily newspapers circulating throughout the Federation of Nigeria.

11. Winning ticket to be delivered to the Principal Lotteries Officer

A person who claims to be entitled to a prize shall deliver or cause to be delivered the winning ticket to the Principal Lotteries Officer at the head office not later than sixty days after the completion of the draw.

12. Period of validity of winning tickets

A winning ticket shall cease to be valid after the expiration of sixty days from the date of the draw both days being inclusive.

13. Entitlement to payment of a prize

(1) No person shall be entitled to the payment of a prize—

(a) if the ticket is not delivered to the Principal Lotteries Officer within sixty days of the draw;

(b) if the ticket is not whole;

(c) if the ticket contains any alteration or erasure of the serial letters or numbers thereof; or

(d) if the ticket is not genuine.

(2) Any question which may arise under paragraph (1) shall be determined by the Principal Lotteries Officer whose decision shall be final.

(3) Where any person otherwise entitled to payment is disqualified from receiving payment of a prize by reason of the provisions of subparagraph (a) or (b) of paragraph (1) and notification in writing has within sixty days of the completion of the draw been received by the Principal Lotteries Officer from such person that he is so disqualified the Commissioner for Finance may authorise payment of the prize to such person, provided that the winning ticket is produced and that no such payment shall be made earlier than sixty-one days after the completion of the draw to which the ticket relates.

(4) Any prize to the payment of which no person is entitled in accordance with the foregoing provisions of this regulation shall be forfeited to the Principal Lotteries Officer.

14. Payment to discharge Government

Payment of a prize to any person in accordance with the provisions of these

regulations by the Principal Lotteries Officer, shall absolutely discharge the Principal Lotteries Officer, the Government and its servants and agents from all liability in respect of the payment of that prize, notwithstanding any forgery, fraud, mistake, neglect, loss or delay which may have occurred or been committed in connection therewith.

15. Offences relating to the sale of tickets

Any person who pays for a ticket in a lottery at a price exceeding or less than that prescribed by these regulations shall be guilty of an offence and liable on conviction to a fine of five hundred naira or to imprisonment for six months, or to both such fine and imprisonment.

16. Offences relating to failure to deliver tickets to purchasers

Any person who, with intent to defraud fails to deliver a ticket to the purchaser thereof, shall be guilty of an offence and liable on conviction to a fine of five hundred naira or to imprisonment for six months or to both such fine and imprisonment.

17. Offences relating to the draws

Any person who obstructs or impedes the drawing of a lottery, or creates any disturbance on or near the premises in which the lottery is being or is about to be drawn shall be guilty of an offence and liable on conviction to a fine of two hundred and fifty naira or to imprisonment for three months or to both such fine and imprisonment.

18. Disposal of forfeited prizes

Prizes forfeited to the Principal Lotteries Officer shall be placed in the credit of the Government Lotteries Fund.