

# CHAPTER L12 - LOTTO (GOVERNMENT) LAW

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### LOTTO (GOVERNMENT) LAW

**A Law to establish a scheme for distributing prizes by drawing of lots or by any other means.**

[KWS 1 of 1969, KWS 7 of 1970, KWS 4 of 1975, No. 4 of 2006.]

[Date of commencement: *1st April*, 1974]

#### **1. Short title**

This Law may be cited as the Lotto (Government) Law, 1975.

#### **2. Interpretation**

In this Law, unless the context otherwise requires—

**"agent"** means any person appointed for the purpose of distributing lotto tickets and receiving stake monies;

**"Commissioner for Finance"** means the State Commissioner assigned with responsibility for Financial affairs;

**"lotto"** means a scheme promoted and conducted under the provisions of this Law for distributing prizes by drawing of lots or by any other means, to win money, money's worth or a benefit where the success depends upon chance more than upon understanding or skill;

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

**"prohibited games"** means any games conducted in a manner similar to that prescribed under this Edict and regulations;

**"prohibited games place"** means premises in which any such games that are prohibited under this Law are being conducted;

**"the Director of Lotto"** 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 Director of Lotto;

[NN 6 of 1962.]

**"State"** means the Kwara State of Nigeria.

### **3. Power to conduct lotto**

With a view to the raising of revenue of the State, it shall be lawful for the Commissioner of Finance to authorise the Director of Lotto to promote and conduct in the prescribed manner a lotto, and in relation thereto to do all such acts and things and give all such directives as he may deem necessary or expedient for that purpose or as may be prescribed.

### **4. State monopoly**

(1) Any lotto, otherwise than a lotto promoted and conducted under the provisions of this Law, shall be unlawful.

[No. 4 of 2006.]

(2) Any person who contravenes the provisions of the preceding subsection commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand naira or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

[No. 4 of 2006.]

## **5. Prohibition of lotto**

(1) Any person who organises or arranges a prohibited game shall be liable on conviction to a fine of two thousand naira or to imprisonment of six months or to both such fine and imprisonment.

[No. 4 of 2006.]

(2) Any person who plays a prohibited game shall be liable on conviction to a fine of one thousand naira or to imprisonment of three months or to both such fine and imprisonment.

[No. 4 of 2006.]

(3) Any person who publishes in any manner whatsoever or by whatever means causes any other person to publish in any manner, or advertise or brings to the knowledge of any person the places where subscriptions thereto of any prohibited games may be made, commits an offence and shall be liable on summary conviction to a fine of two thousand naira or to six months imprisonment or to both such fine and imprisonment.

[No. 4 of 2006.]

## **6. Punishment for subsequent offences**

Where a person is convicted of a second or any subsequent offence against the

provisions of this Law or of regulations made thereunder, he shall be liable on conviction to a fine not exceeding ten thousand naira or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

[No. 4 of 2006.]

**7. Seizure and forfeiture of registers, etc., relating to offence**

All registers, instruments of gaming, tickets, bills, cards, money, whether it represents the poll or the stakes or the prize won, the movable or immovable things provided as prizes, and every other thing relating to an offence committed under the provisions of this Law, or which has served or was intended to serve for the commission of the offence, shall be seized and confiscated and shall be disposed of in such manner as may be decided in a court of law, on application being made to it.

**8. Accounts and application of profits**

(1) The lotto should operate a self-accounting system.

(2) There shall be caused to be opened an account with a Government nominated Bank to be known as the "lotto account".

(3) There shall be paid into the lotto account proceeds of the sale of tickets in any lotto conducted by the Director of Lotto, any fines imposed by him on lotto agents and any forfeiture as may arise in accordance with the provisions of this Law.

(4) In respect of each lotto there shall be paid out of the account, without any further appropriation other than this Law, the prizes, the expenses of administration, commission to agents and all other charges connected therewith.

(5) At the end of each year any balance in the lotto account shall be transferred into an account to be called "profit from lotto account".

(6) At any time when the amount standing to the credit of the "profit from lotto account" exceeds such sum as may be prescribed, that sum shall be carried to an account to

be called "capital development fund".

(7) (a) If at any time the sum standing to the credit of the lotto account is less than the amount required to meet, either wholly or in part, the payment of the prizes in respect of a lotto, the expenses of administration thereof or any charges connected therewith, the deficit shall be made good out of—

- (i) the profit from lotto account; or
- (ii) to the extent that there is an insufficient amount standing to the credit of the profit from lotto account, by an advance from the revenue of the State.

(b) An advance made under subparagraph (ii) of paragraph (a) shall be repayable out of the profit from Lotto Fund.

## **9. Auditing of accounts**

(1) The Commissioner for Finance shall cause to be kept for every lotto account of all receipts and outgoings in a form approved by the Auditor-General.

(2) Immediately after the end of the financial year in which lotto draws have been held the Commissioner for Finance shall present to the State Executive Council statement of account and a report concerning the lotto draws.

(3) The Commissioner for Finance shall cause to be kept a separate record of any advances made out of the revenue of the State in accordance with section 8 of this Law to meet a deficit and of any subsequent payments made thereof.

(4) Immediately after the end of each financial year the Auditor-General shall cause to be audited the lotto account. The account certified by the Auditor-General shall include payment made to meet deficit whether or not the total of such deficit is greater than the amount previously paid into the revenue of the State.

## **10. Publication of the accounts**

The Commissioner for Finance shall as soon as practicable after the close of the 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 8.

**11. Possession of forged lotto tickets**

A person who without lawful excuse, the proof whereof shall lie with him, has in his possession any forged ticket for any lotto draw under this Law commits an offence and shall be liable on summary conviction to imprisonment for a term not exceeding two years.

**12. Power to make regulations**

The Governor may make regulations not inconsistent with the provisions of the law prescribing all matters which by this Law are required or authorised to be 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 provisions for all or any of the following matters—

- (a)* the administration of the lotto;
- (b)* the number of lotto offices authorised to receive stakes;
- (c)* the day, the hour and the method of conducting the lotto and its periodical drawings as well as the persons who shall be present at a draw of the lotto;
- (d)* the stakes that may be laid on the result of the draw;
- (e)* the amount of the prizes to be distributed and the conditions under which prizes may be paid;
- (f)* the manner and the conditions in or under which stakes may be accepted;
- (g)* the day and the hour when stakes shall no longer be accepted and

- when the copies of tickets shall be deposited;
- (h)* the number, the duties and obligations of the agents and the percentage, or other remuneration which they may be allowed;
  - (i)* the appointment of a Commission to conduct the draws;
  - (j)* the appointment of a Board to verify the winning ticket with the respective copies of tickets and to carry out such other duties as may be prescribed by the Regulations;
  - (k)* the method of collection and disposal of tickets;
  - (l)* the form of any tickets or other documents to be used in the conduct of the lotto;
  - (m)* the value of the prizes to be distributed;
  - (n)* the time within which, and the method by which, prizes may be claimed;
  - (o)* the determination of any dispute as to the person entitled to any prize or money providing that in the event of a dispute as to a prize remaining unsettled for a prescribed period the prize may be forfeited;
  - (p)* the issue and sale of tickets;
  - (q)* the forfeiture of unclaimed prizes after a prescribed period;
  - (r)* the time within which any requirement of the regulations is to be carried out;
  - (s)* any other matter incidental to the management of the lotto.

## CHAPTER L12

### LOTTO (GOVERNMENT) LAW

#### SUBSIDIARY LEGISLATION

## List of Subsidiary Legislation

### 1. Lotto (Government) Regulations.

#### LOTTO (GOVERNMENT) REGULATIONS

##### ARRANGEMENT OF REGULATIONS

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#### LOTTO (GOVERNMENT) REGULATIONS

[KWS LN 3 of 1975.]

In exercise of the powers conferred by Section 12 of the Lotto (Government) Law, 1975, the following regulations are hereby made by the Military Governor of Kwara State of Nigeria.

[Date of commencement: *1st April*, 1974]

**1. Short title and commencement**

These regulations may be cited as the Lotto (Government) Regulations, 1975, and shall be deemed to have come into operation on the 1st day of April, 1974.

**2. Interpretation**

In these regulations, unless the context otherwise requires—

**"Head Office"** means the Central Office of Lotto in the Ministry of Finance, Kwara State, Ilorin;

**"Interleaf"** means a document containing the same essential elements as the ticket; "Lotto" means a Government Lotto;

**"Principal Agent or Agent"** means a person appointed as an Agent by the Director of Lotto in accordance with regulation eight;

**"Staker"** means a person who buys a ticket of the Government Lotto;

**"Sub-Agent"** means a person appointed as a Sub-Agent by the Director of Lotto in accordance with regulation nine;

**"the Board"** means the Lotto Board as constituted under regulation five;

**"the Commission"** means the Lotto Commission as constituted under regulation three;

**"Ticket"** means a ticket of the Government Lotto.

**3. Lotto Commission**

There shall be a Commission consisting of—

(a) the Director of Lotto or his representative as Chairman. If he is not present, one of the public officers present, who is a member of the commission according to the order in which they are mentioned in this section;

(b) the Auditor-General or his representative;

- (c) the Solicitor-General or his representative;
- (d) a magistrate; and
- (e) two other persons not holding any office of emolument in any public service in the Federation appointed by Commissioner for Finance.

#### **4. Duties of the Lotto Commission**

(1) There shall be present at any lotto draw at least three members of the Commission one of whom shall be the Magistrate.

(2) If at the time appointed for the draw, three members of the Commission as specified in the preceding subregulation are not present 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, may be fixed by the Commissioner for Finance.

(3) The Commission shall decide any dispute or difficulty which may arise in or during a draw; and in deciding any question each member 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) The Commission shall draw up and sign a certificate containing the numbers in the Lotto and the Chairman shall cause the same to be published in National Newspapers immediately after the draw and published in the Gazette.

(5) Members of the Commission may be paid such allowances as the Commissioner for Finance may direct.

#### **5. Lotto Board**

There shall be a Board consisting of—

- (a) a Senior Officer of the Lotto office appointed by the Director of Lotto as Chairman;
- (b) an Accountant of the Treasury appointed by the Accountant-General;

and

- (c) a Senior Officer of the Ministry of Finance appointed by the Head of the Ministry.

## **6. Duties of the Lotto Board**

It shall be the duty of the Board—

- (a) to establish the total winning numbers in each category in a lotto draw and to compile a certificate to that effect;
- (b) to examine the genuineness of winning tickets; and
- (c) to perform such other duties as are imposed upon them by these Regulations or as may be required by the Director.

## **7. Authorisation of lotto**

The Commissioner for Finance may from time to time authorise the promotion of Lotto by the Director of Lotto and shall prescribe—

- (a) the date, time and the place where the draw shall take place;
- (b) the closing date and time for the sale of tickets in respect of each lotto;
- (c) the date by which all duplicate tickets and returns by agents must reach the office of the Director of Lotto; and
- (d) the value apportioned to each ticket.

## **8. Appointment of principal agent**

(1) The Director may appoint any number of Principal Agents on such conditions as he deems fit.

(2) Subject to the provisions of this regulation every principal agent shall deposit not less than two hundred naira by way of security and the value of books issued to every principal agent shall not exceed the value of the deposit.

(3) Where a Principal Agent fails to account, to the satisfaction of the Director,

for all the tickets sold by him in any draw, he shall be deemed to have committed the offence of fraudulent breach of trust and shall be dealt with accordingly; and in addition the amount of the deficit shall be met from the deposit of the agent.

**9. Appointment of sub-agent**

(1) The Director may appoint any number of sub-agents on such conditions as he deems fit.

(2) A sub-agent so appointed will be subject to the provisions of these regulations and be for such period as may be determined by the Director.

(3) Subject to the provisions of these regulations every sub-agent shall deposit not less than fifty naira by way of security and the value of tickets to be supplied to sub-agent shall not exceed the value of such a deposit.

(4) A sub-agent so appointed by the Director will be responsible for his sales and accounting of his proceeds to the principal agent.

(5) Where a sub-agent fails to account to his Principal agent for all the tickets sold by him in any draw he shall be deemed to have committed the offence of fraudulent breach of trust and shall be dealt with accordingly; and in addition the amount of the deficit shall be made good from the deposit of such a sub-agent.

(6) The appointment of every principal agent or sub-agent shall be subject to the condition that he shall comply with the requirement of these regulations and to such other conditions as may be agreed between him and the Director of Lotto and if any Principal Agent or Sub-Agent shall fail to observe or comply with any such condition the Director of Lotto may at any time without cause shown revoke his appointment.

**10. Offences relating to the delivery of ticket**

A Lotto Agent who, with intent to defraud, fails to deliver a ticket on payment of a subscription, commits an offence and shall be liable on summary conviction to a fine of two

hundred naira or to imprisonment of six months or to both such fine and imprisonment.

**11. Forfeiture of security**

Any agent found guilty of an offence under these regulations shall have his appointment terminated and the deposit paid by him as security shall be forfeited to the Government.

**12. Unauthorised business**

It shall not be lawful for an Agent to enter into or continue in any partnership in connection with their lotto office without the consent in writing of the Director.

**13. Accounts of agents**

For the purpose of reckoning the annual sales, the accounts of every agent shall be balanced on the last draw in February, of every year.

**14. Remuneration of agents**

Where the Commissioner for Finance has authorised the promotion of lotto in accordance with this regulation, he shall prescribe—

- (i) the remuneration of Agent; and
- (ii) the percentage of Commission to be allowed in respect of large sales.

**15. Design and printing of tickets**

(1) Ticket shall be printed in Triplicate and the original shall have behind it carbon capable of reproducing the exact content of the original on the copies. It shall be in such a design as may be approved by the Commissioner for Finance.

(2) The form of a ticket shall contain the following particulars—

- (a) the number of the lotto in respect of which it is issued;
- (b) the serial letter and the progressive number of the ticket;
- (c) the date of the draw;
- (d) the value of the stake;
- (e) the number of lotto office issuing the ticket;

- (f) the number and total amount staked by the subscriber;
- (g) a facsimile of the signature of the agent; and
- (h) such other particulars as the Commissioner for Finance may approve.

(3) The duplicate and triplicate copies of the ticket shall be made up of all the components of the original to which they relate, as specified in the foregoing subsections of this section.

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#### **16. Value of stakes**

The ticket shall each contain the value of stakes in each group and the total amount staked on all the groups.

#### **17. Methods of staking number**

It shall be lawful to lay stakes for the drawing of any six numbers between one and thirty nine.

#### **18. Registration of tickets**

(1) Agents shall, in the presence of a staker, register on the ticket the numbers selected and make copies of the tickets by means of carbon paper.

(2) If in the act of registering a stake, an error occurs in, or an ink blot drops over, the writing of the numbers staked or the date of the draw, it shall not be lawful for the agent to correct in any manner the original and copy, tickets, but he shall cancel both the original and the copy tickets and re-register the stake on a fresh tickets.

#### **19. Offence relating to sale of tickets**

(1) Any person who pays a subscription at a price higher than that prescribed by these regulations commits an offence and shall be liable on summary conviction to a fine of fifty naira or three months imprisonment.

(2) Any authorised agent who accepts a subscription at a price higher than that prescribed by these regulations commits an offence and shall be liable on summary conviction to a fine of one hundred naira or to imprisonment for six months or both such fine and imprisonment.

## **20. Duties of stakers**

A staker shall ascertain that the numbers staked and the date of the draw are correctly written on the original ticket and correctly reproduced by the carbon paper on the interleaf of the tickets.

## **21. Acceptance of stakes**

(1) No stakes shall be accepted from such hour of the day as the Director may from time to time determine by notice in the National Newspaper in respect of the different group of area and offices.

(2) In the case of Lotto offices situated in Ilorin the day shall in every case be that fixed for the draw under these regulations, and in the case of offices situated outside Ilorin it shall be such day as may be determined by the Director.

## **22. Deposit of tickets**

(1) All staked original tickets shall be sent to the Head Office of the lotto office so as to reach that office immediately before the draw to which they relate. Any staked tickets not received before the draw shall be cancelled and money staked on them and the number staked shall be regarded as being staked for the next draw.

(2) Any stake from any office or area not received before the draw shall be published in the National Newspapers and a list of such offices or Area shall be lodged with



the Commissioner of Police before the draw.

### **23. The draw**

(1) A draw shall be held every other Monday at two o'clock in the afternoon and where a public holiday falls on that day, the draw shall be held on the next preceeding working day at the established hours.

(2) The extraction of six numbers from a machine or contrivance containing balls each of which bears a distinct number running from number one to number thirty-nine shall constitute a draw.

(3) Each number shall be drawn separately and in successive order and the machine or contrivance shall be set in motion before the draw.

(4) The public shall be admitted to the premises where the draw of a lotto is conducted so far as may reasonably be practicable having regard to the accommodation available for the purpose.

### **24. Winning prizes**

(1) Where the Commissioner for Finance has authorised the promotion of a lotto draw under this regulation he shall prescribe—

- (a) the value of the prize apportioned to each winning group;
- (b) the maximum amount that shall be paid for all correct guesses;
- (c) The number of correct guesses that shall win a prize.

(2) Prizes shall be paid in accordance with the amount prescribed in the preceeding paragraph of this section provided that the value of the total payment in any one week does not exceed in the aggregate fifty percent of total stake money.

(3) Where in any week there is no winner in a group the money payable in that group shall be transferred and added on to the same group in succeeding week;

(4) Where the value of the prizes in the first group Winners exceed ₦100,000,

any excess over this amount shall be transferred to the second group winners; and where the value in the second group winners exceed ₦50,000, any excess over this amount shall be transferred to the third group winners.

**25. Validity of lotto tickets**

(1) A lotto ticket shall not be valid if—

- (a) it is torn in any part;
- (b) it does not bear the date of the Draw to which it refers;
- (c) it contain any material alternation or erasure;
- (d) the original copy is not delivered at the head office of the lotto department  
before the draw to which it refers;
- (e) the ticket is not genuine; and
- (f) it is mutilated.

(2) Any question which arises with respect to the validity of a subscription under these Regulations shall be determined by the Director whose decision thereon shall be final. Any amount received where a subscription is not valid shall be forfeited and transferred to 'profit from Lotto Account'.

**26. Void stakes**

(1) A ticket will be declared void if—

- (a) the stake sign is not properly put in the middle of the number square;
- (b) the sign is not legible; and
- (c) the required number of guesses to make a stake are not marked.

(2) The value of the stakes declared void under the preceeding subsection shall be claimed within thirty days from the date of the notice of annulment.

(3) No reimbursement shall be made after the expiration of the said period of

thirty days and stakes unclaimed within that period shall be forfeited to the Government.

**27. Refund of subscription not received**

The Government shall not be liable to refund to a subscriber any subscription fee which for any cause is not received at the head office.

**28. Offence relating to the draw**

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

**29. Offences relating to sale of tickets**

(1) No person shall sell or offer for sale lotto tickets in any place other than that appointed for the purposes.

(2) Any person who contravenes the provisions of the preceding subregulations, commits an offence and shall be liable on conviction to a fine not less than twenty naira and not exceeding forty naira.

**30. Winning ticket to be delivered to director**

(1) A person who claims to be entitled to a prize shall deliver or cause to be delivered the winning ticket to the director at the head office not later than thirty days after the completion of the draw.

(2) Where there is a difference between the triplicate ticket and the duplicate ticket presented for payment, the triplicate ticket shall be taken as correct for purposes of determining a winning ticket.

**31. Dispute as to prize**

(1) Where two or more persons claim to be entitled to one and the same prize, the Director shall withhold payment, and shall dispose of such prize as the court of competent

jurisdiction may order on application being made to it by either of the claimants subject to the provision of the immediate succeeding subsection.

(2) Where—

(a) proceedings are not commenced by any claimant before the expiration of six months from the date of the presentation of the ticket for a claim to the Director; and

(b) the court does not order payment to any claimant in proceedings commenced before the expiration of one year from the date of commencement of proceedings the prize money shall be forfeited to the Director and shall be paid into the 'Profit from Lotto Account'.

### **32. Payment to discharge Government**

Payment of a prize money to any person in accordance with the provisions of these Regulations by the Payment Director or by order of court shall discharge the Director and the Government absolutely 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.

### **33. Custody of tickets**

The triplicate copies of the tickets issued for any lotto shall be kept in a strong room before the Lotto is drawn and the key to which one shall be kept under the custody of the Director and the other by the Auditor-General.

### **34. Period of validity of winning tickets**

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

### **35. Disposal of forfeited prizes**

Prizes forfeited under the provision of this Regulations shall be transferred to the

'Profit from Lotto Account'.

**36. Destruction of tickets**

The Director in agreement with the Auditor-General after the expiration of two months after the completion of a lotto draw, may cause to be destroyed the original and triplicate copies of a lotto draw.