

PARLIAMENT OF CEYLON

3rd Session 1954-55



Hospitals Lotteries Act, No. 4 of 1955

Date of Assent : February 18, 1955

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AN ACT TO PROVIDE FOR THE PROCURING OF MONEY FOR THE NATIONAL HEALTH SERVICES BY MEANS OF LOTTERIES, FOR THE CONSTITUTION OF A BOARD TO CONDUCT SUCH LOTTERIES, AND FOR THE ESTABLISHMENT OF THE HOSPITALS FUND CONSISTING OF THE NET PROCEEDS OF SUCH LOTTERIES.

[Date of Assent: February 18, 1955]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Hospitals Lotteries Act, No. 4 of 1955.

Short title.

PART I.

HOSPITALS LOTTERIES BOARD.

2. A Board to be called the Hospitals Lotteries Board, hereinafter referred to as "the Board", shall be established for the purposes of this Act.

Hospitals
Lotteries
Board to be
established.

3. (1) The Board shall consist of not more than seven members appointed by the Minister two of whom shall be persons nominated for the purpose by the Minister of Finance.

Constitution
of the Board.

(2) The Minister shall appoint one of the members of the Board to be the Chairman of the Board.

(3) The Minister may, if he thinks it expedient to do so, remove, by Order published in the *Gazette*, any member of the Board from office without reason stated:

Provided, however, that no member of the Board who was nominated for appointment as a member by the Minister of Finance shall be removed from office except with the concurrence of the Minister of Finance.

(4) A member of the Board in respect of whom an Order under sub-section (3) of this section is made by the Minister shall vacate his office on the date of the publication of such Order in the *Gazette*.

(5) A member of the Board who has been removed from office shall not be eligible for reappointment as a member of the Board.

(6) A member of the Board may at any time resign his office by letter addressed to the Minister.

(7) If the Chairman or any other member of the Board is temporarily unable to discharge the duties of his office on account of ill-health or absence from Ceylon or any other cause, the Minister may appoint some other person to act in his place as the Chairman or as a member of the Board, as the case may be.

(8) Every member of the Board shall, unless he earlier vacates office by resignation or removal, hold office for a period of five years. Any member of the Board who vacates office by effluxion of time shall be eligible for reappointment.

(9) No act or proceeding of the Board shall be invalid by reason only of the existence of any vacancy among its members or any defect in the appointment of any of its members.

Remuneration
of members of
the Board.

4. The members of the Board may be remunerated in such manner and at such rates as may be determined by the Minister with the concurrence of the Minister of Finance. The remuneration, if any, shall be paid out of the Fund of the Board.

Appointment
of officers
and servants.

5. (1) The staff necessary for the discharge of the Board's duties under this Act shall be determined by the Board with the approval of the Minister of Finance, and every appointment to such staff shall be made by the Board.

(2) The officers and servants of the Board shall be remunerated in such manner and at such rates, and shall be subject to such conditions of service as may be determined by rules made under section 10. Such remuneration shall be paid out of the Fund of the Board.

(3) The Board may, in accordance with rules made under section 10, establish and maintain a provident fund for the benefit of its officers and servants, make contributions out of its Fund to such provident fund, regulate the management and investment thereof, and fix the contributions to be made thereto by, and the payments to be made therefrom to, or in respect of, such officers and servants.

Board to be
subject to
directions
of Minister.

6. In the exercise of its powers and the discharge of its duties under this Act, the Board shall be subject to the general or special directions of the Minister.

Fund of
the Board.

7. (1) The Board shall have its own Fund.

(2) There shall be paid to the Fund of the Board all sums required by this Act to be so paid.

(3) There shall be paid out of the Fund of the Board all sums required by this Act to be so paid.

(4) All cheques for the payment of moneys out of the Fund of the Board shall be signed by a member of the Board and by any such officer employed by the Board as may be authorised in that behalf by the Board.

8. (1) The Minister of Finance may, under the authority of a resolution of the House of Representatives, grant out of the Consolidated Fund to the Board, free of interest, a loan not exceeding such sum as may be specified in the resolution for the purpose of enabling the Board to meet the initial expenses incurred by the Board in the discharge of its duties under this Act.

Power of Minister of Finance to grant a loan to the Board.

(2) Any sum granted to the Board by way of loan under sub-section (1) of this section—

(a) shall be paid to the Fund of the Board, and

(b) shall be repaid by the Board to the Consolidated Fund out of the Fund of the Board in such manner as the Minister of Finance may from time to time direct.

9. The accounts of the Fund of the Board shall—

(a) be kept in the prescribed manner,

(b) be audited annually by, or under the direction of, the Auditor-General, and

(c) in respect of each financial year, be laid, together with the report of the Auditor-General thereon, before the Senate and the House of Representatives.

Accounts of the Fund of the Board.

10. (1) The Board may make rules in respect of all or any of the following matters:—

(a) any matter in respect of which rules are required or authorised by this Act to be made;

(b) the appointment, promotion, dismissal and disciplinary control of its officers and servants; and

(c) the meetings of the Board and the quorum for, and the procedure to be followed at, such meetings.

Power of the Board to make rules.

(2) No rule made under sub-section (1) of this section shall have effect until it has been approved by the Minister.

(3) The Minister shall not, without the concurrence of the Minister of Finance, approve of any rule made by the Board for the purposes of sub-section (2) or sub-section (3) of section 5 or in respect of any matter referred to in paragraph (b) of sub-section (1) of this section.

PART II.

HOSPITALS LOTTERIES.

The Board
to conduct
hospitals
lotteries.

11. (1) The Board shall conduct lotteries for the purposes of this Act. Every such lottery is in this Act referred to as a "hospitals lottery".

(2) There shall be such number of hospitals lotteries in each year as may be prescribed. Every hospitals lottery shall be conducted by the Board in accordance with the provisions of this Act and of any regulations made thereunder.

Hospitals
lotteries
not to be in
connection with
horse-races.

12. No hospitals lottery shall be conducted in connection with any horse-race or any other form of racing.

Prizes in
hospitals
lotteries.

13. (1) The number of the prizes to be awarded in each hospitals lottery and the value of each of such prizes shall be as prescribed.

(2) Every prize awarded in a hospitals lottery shall consist of a sum of money.

(3) The prize winners in every hospitals lottery shall be determined by the drawing of lots in public in the prescribed manner.

(4) After the expiration of a period of six months reckoned from the date of the drawing of lots for the prizes in any hospitals lottery, any prize in such lottery which has not been granted to the person entitled thereto by reason of the fact that such person is not to be found shall be forfeited and paid to the Fund of the Board:

Provided, however, that where any action or proceeding arising out of any claim made in respect of such prize is pending before any court at the expiration of the period aforesaid, such forfeiture shall not be made, and if in the final determination of that action or proceeding any person is declared to be entitled to such prize, the Board shall grant such

prize to that person, and if no person is so declared, such prize shall be forfeited and paid to the Fund of the Board.

14. (1) The proceeds of every hospitals lottery shall be paid to the Fund of the Board.

Proceeds of
hospitals
lotteries.

(2) The Board shall pay to the Hospitals Fund established under this Act the balance of the proceeds of every hospitals lottery after the deduction from such proceeds of an amount approved by the Minister with the concurrence of the Minister of Finance as the amount necessary for the purpose of—

(a) defraying, or reimbursing the Fund of the Board for the payment of, the expenses of conducting such lottery including the value of the prizes awarded in such lottery,

(b) paying the whole or a part of the remuneration, if any, of the members of the Board and the remuneration of the staff of the Board,

(c) paying the whole or a part of any contributions payable by the Board to any such provident fund as is referred to in sub-section (3) of section 5, and

(d) repaying the whole or a part of any loan granted to the Board under section 8.

15. The Board shall be exempt from the payment of any tax on the income or profits from any hospitals lottery.

Exemption
from tax
on income
or profits
from hospitals
lotteries.

16. The Lotteries Ordinance shall not apply to or in relation to any hospitals lottery.

Lotteries
Ordinance not
to apply to
hospitals
lotteries.
Cap. 37.

17. (1) The Minister may make regulations in respect of matters stated or authorised by this Act to be prescribed and of other matters relating to hospitals lotteries.

Regulations.

(2) Without prejudice to the generality of the powers conferred by sub-section (1) of this section, regulations made under this section may make provisions in respect of all or any of the following matters:—

(a) the price at which tickets in every hospitals lottery are to be sold;

- (b) the particulars to be stated on every such ticket;
- (c) the manner in which tickets in every such lottery are to be sold or offered for sale;
- (d) the employment of agents for the sale of such tickets and the remuneration payable to such agents; and
- (e) the publication of the number of each winning ticket in every such lottery and of the name and address of the person entitled to such ticket.

(3) No regulation made by the Minister under this section shall have effect until it has been approved by the Senate and the House of Representatives and published in the *Gazette*.

PART III.

HOSPITALS FUND.

Hospitals
Fund to be
established.

18. (1) A Fund to be called the Hospitals Fund shall be established and maintained at the General Treasury.

(2) The Hospitals Fund shall consist of the sums of money required by sub-section (2) of section 14 to be paid to that Fund.

Object of
the Hospitals
Fund.

19. The object of the Hospitals Fund shall be to provide money for purposes connected with the national health services.

Administration
and accounts
of the
Hospitals Fund.

20. (1) The Deputy Secretary to the Treasury shall administer the Hospitals Fund.

(2) The accounts of the Hospitals Fund shall be audited annually by, or under the direction of, the Auditor-General, and shall, in respect of each financial year, be laid, together with the report of the Auditor-General thereon, before the Senate and the House of Representatives.

Grants from
the Hospitals
Fund.

21. The Minister may, under the authority of a resolution of the House of Representatives, from time to time direct in writing the Deputy Secretary to the Treasury to make out of the Hospitals Fund a grant of such amount as shall be specified in the direction for any such purpose connected with the national health services as shall be so specified; and it shall be the duty of the Deputy Secretary to the Treasury to comply with such direction.

PART IV.

OFFENCES AND INTERPRETATION.

22. (1) Every person who—

Offences.

- (a) sells or offers for sale any ticket for the purposes of any hospitals lottery at a price exceeding the price specified for such ticket by regulation made under this Act, or
- (b) forges any ticket for the purposes of any such lottery, or
- (c) sells or offers for sale any ticket for the purposes of any such lottery knowing it to be forged,

shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

(2) All sums paid or recovered as fines imposed for offences under this section shall be paid to the Fund of the Board.

23. All offences under this Act shall be cognizable offences within the meaning and for the purposes of the Criminal Procedure Code.

Offences to
be cognizable
offences.

Cap. 16.

24. In this Act unless the context otherwise requires—

Interpretation.

“ financial year ” means the period commencing on October 1 in any year and ending on September 30 in the next succeeding year;

“ General Treasury ” means the Department of Government known as the General Treasury;

“ national health service ” means any institution or service maintained or provided by the Government for the cure or prevention of disease, for medical research, or for any other purpose connected with the care of the health of the people; and the expression “ national health services ” shall be construed accordingly; and

“ prescribed ” means prescribed by regulation made under this Act.