

REPUBLIC OF ZAMBIA

THE LOTTERIES ACT

CHAPTER 163 OF THE LAWS OF ZAMBIA

CHAPTER 163 THE LOTTERIES ACT

THE LOTTERIES ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Unauthorised lotteries
4. Establishment of Board
5. Authorisation of lotteries
6. Powers of controlling authorities
7. Imposition of conditions
8. Utilisation of gross proceeds of a lottery for certain purposes
9. Prescribed fees
10. Invalid conditions by promoters
11. Power to require incorporation of promoters
12. Lotteries incidental to certain entertainments
13. Private lotteries
14. Offences by bodies corporate
15. Powers of President and Minister

CHAPTER 163

LOTTERIES

An Act to provide for the control and regulation of lotteries; to provide for the setting up of a Lotteries Control Board and for the powers and duties thereof; and to provide for matters connected therewith and incidental thereto.

[1st November, 1957

8 of 1957
62 of 1957
32 of 1959
44 of 1960
20 of 1961
22 of 1963
Government Notices
304 of 1964
497 of 1964
Statutory Instrument
91 of 1965
Act
17 of 1975
27 of 1989
13 of 1994

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

Short title

2. In this Act, unless the context otherwise requires-

Interpretation

"Board" means the Lotteries Control Board established under the provisions of section *four*;

"controlling authority" means-

- (a) in respect of a lottery in which tickets or chances are to be issued for sale to a total value in excess of six hundred kwacha, the Board;
- (b) in respect of a lottery in which tickets or chances are to be issued for sale to a total value not exceeding six hundred kwacha, the officer commanding the Police Division in which the lottery is to be conducted;

"lottery" means any scheme or arrangement whereby prizes in the form of money or other property or benefit are awarded to holders of tickets or chances acquired by prior payment and drawn by lot, or whereby the winners are determined by the incidence of chance from amongst the holders of such tickets or chances in any other manner except by means of a gaming machine as defined by the aming Machines (Prohibition) Act.

Cap. 92

"officer commanding the Police Division" includes such other police officer duly authorised in that behalf by such officer commanding:

Provided that such other officer shall be the police officer in charge of the particular area in which the lottery is to be conducted.

(As amended by Act No. 17 of 1975)

3. (1) Any lottery promoted or conducted otherwise than in accordance with the provisions of this Act shall be deemed to be an unauthorised lottery. Unauthorised lotteries

(2) Any person who opens, keeps or uses any place for carrying on an unauthorised lottery shall be guilty of an offence and shall be liable to a fine not exceeding two thousand five hundred penalty units or to imprisonment for a term not exceeding two years, or to both.

(3) Any person who prints or publishes, or causes to be printed or published, any advertisement or other notice of or relating to an unauthorised lottery, whether promoted within Zambia or elsewhere, or of or relating to the sale of any ticket or chance in any such lottery, shall be guilty of an offence and shall be liable to a fine not exceeding one thousand five hundred penalty units.

Provided that the publication of any such advertisement or notice in a newspaper printed outside Zambia and normally circulating within Zambia shall not be a contravention of the provisions of this subsection if the lottery to which such advertisement or notice refers is promoted and conducted outside Zambia.

(4) When any person is convicted of an offence under the provisions of this section, the court may, in addition to or in lieu of any penalty which may be imposed, order the forfeiture of any instrument, apparatus or device used in connection with the lottery concerning which the conviction has taken place.

*(As amended by S.I. No. 91 of 1965, Act No. 27 of 1989
and No. 13 of 1994)*

4. (1) There shall be established a board, to be known as the Lotteries Control Board, which shall consist of- Establishment of Board

- (a) a chairman
- (b) the Director of Social Welfare or his representative; and
- (c) three members of the public.

(2) The chairman and the members of the Board, other than public officers, shall be appointed to the Board by the Minister for such period, not exceeding three years, as the Minister may specify:

Provided that-

The Laws of Zambia

- (i) if the chairman is appointed by office, the provisions of this section relating to the period of such appointment shall not apply thereto;
- (ii) a retiring chairman or member shall be eligible for reappointment.

(3) The Minister may at any time require the chairman or an appointed member of the Board to resign therefrom.

(4) The chairman and members of the Board, other than public officers, shall be paid out of moneys appropriated for the purpose by Parliament, such remuneration and allowances as the Minister may from time to time determine.

(5) The Minister may appoint a person to be a secretary of the Board.

(6) A quorum of the Board shall be three, at least one of whom shall be a member of the public.

*(As amended by No. 62 of 1957, No. 44 of 1960
and G.N. No. 304 of 1964)*

5. (1) A controlling authority may, in its absolute discretion, authorise the promotion and conduct of a lottery, not being a lottery held under the provisions of section *twelve* or *thirteen*-

Authorisation of lotteries

- (a) which is intended to raise funds for social service, public welfare, relief of distress or patriotic purposes or to provide recreational or sporting facilities; and
- (b) at least one-quarter of the gross proceeds of which is to be devoted to the object for which the lottery is promoted; and
- (c) in respect of which an application, which shall state in detail the purposes for which the lottery is to be promoted, is made by the intended promoters to the appropriate controlling authority.

(2) The Minister may, in his absolute discretion and subject to such conditions as he may think fit to impose, authorise the promotion and conduct of any lottery not otherwise authorised or permitted under the provisions of this Act.

(3) Where-

The Laws of Zambia

- (a) in the case of a lottery authorised under the provisions of subsection (1), less than one-quarter of the gross proceeds of the lottery is devoted to the object for which such lottery is promoted or any of the proceeds are devoted to any purpose, other than expenses and prizes, which is not such an object; or
- (b) in the case of a lottery authorised by an officer commanding a Police Division under the provisions of subsection (1), tickets or chances in such lottery are issued for sale to a total value in excess of six hundred kwacha;

each promoter of such lottery shall be guilty of an offence and shall be liable to a fine not exceeding twenty five penalty units

(As amended by G.N. No. 304 of 1964, Act No.27 of 1989 and 13 of 1994)

6. (1) A controlling authority may-

Powers of controlling authorities

- (a) make such investigation, or require the submission of such information, as it may deem necessary in order to enable it to examine any application made to the authority under the provisions of subsection (1) of section *five*;
- (b) impose, in respect of any authorisation granted under the provisions of the said subsection, such conditions as it may deem necessary in order to ensure that the lottery concerned is promoted and conducted as efficiently as possible in the interests of the purposes for which it is being promoted and of the public in general;
- (c) take such steps as it may deem necessary in order to ensure that any conditions imposed under paragraph (b) have been or are being complied with;
- (d) require any lottery which it has authorised to render accounts to the authority in such form and within such period as it may specify;
- (e) guide and co-ordinate the proper and equitable distribution of the charitable funds of any lottery authorised by it;
- (f) make recommendations from time to time to the Minister for the better control of lotteries with particular regard to the protection of the public from fraud.

(2) If any condition, imposed under the provisions of subsection (2) of section *five*, or of paragraph (b) of subsection (1), or of subsection (5) of section *eight*, is broken, each of the promoters of the lottery concerned and, where the person by whom the condition is broken is not one of the promoters, that person also, shall be guilty of an offence and shall be liable to a fine not exceeding two hundred and fifty penalty units

The Laws of Zambia

Provided that it shall be a defence for a person charged only by reason of his being a promoter of the lottery to prove that the offence was committed without his knowledge.

(As amended by No. 20 of 1961, G.N. No. 304 of 1964 and Act No. 13 of 1994)

7. Without prejudice to the generality of paragraph (b) of subsection (1) of section six, a controlling authority may, in respect of any lottery authorised by it, impose conditions under the said paragraph-

Imposition of conditions

- (a) providing for the amount, not exceeding twelve and one-half per centum of the gross proceeds of the lottery, which the promoters thereof may deduct from such proceeds in respect of operating expenses;

Provided that, in the case of a series of lotteries proposed to be promoted by the same persons, the authority may, in its discretion, allow the deduction of an amount in excess of the aforesaid percentage in respect of all or any of the lotteries drawn within the period of twelve months from the date of the draw of the first lottery in such series;

- (b) providing for the protection of purchasers of tickets or chances in the lottery against fraud;
- (c) providing for the submission of accounts by the promoters of the lottery;
- (d) restricting the amount of the proceeds of the lottery which may be used for the purposes of such lottery outside Zambia, which amount shall not exceed one-fifth of the total amount devoted to the object for which the lottery is promoted;
- (e) relating to the provision by the promoters of the lottery of guarantors to cover the expected proceeds, or any part thereof, of such lottery.

(As amended by No. 22 of 1963)

8. (1) Where the promoters of a lottery wish to-

Utilisation of gross proceeds of a lottery for certain purposes

- (a) build up a reserve fund for prize stabilisation; or
- (b) create a reserve to meet extraordinary expenditure not attributable to any particular draw; or
- (c) acquire premises for the purposes of providing office or staff accommodation; or
- (d) incur capital expenditure;

they shall apply to the Board for permission to do so, setting out in such application details of their proposals.

The Laws of Zambia

(2) Where application is made to the Board under the provisions of subsection (1), the Board may, if it is satisfied that the application is made in respect of a recurrent lottery and that the lottery concerned would, if the application were approved, be promoted and conducted more efficiently in the interests of the purposes for which it is being promoted and of the public in general, approve the application.

(3) Where the Board approves an application under the provisions of subsection (2), it may authorise the promoters of the lottery to utilise a portion of the gross proceeds of one or more future lotteries for such of the purposes set out in subsection (1) as are referred to in the said application:

Provided that the Board shall not authorise the promoters to utilise an amount in excess of one-twentieth of the gross proceeds of any lottery for such of the said purposes as are referred to in the said application.

(4) Notwithstanding the provisions of section *seven*, any amount which the promoters are authorised to utilise under the provisions of subsection (3) shall be in addition to any amount deducted from the gross proceeds in accordance with the provisions of paragraph (a) of section *seven*.

(5) The Board may attach such conditions as it may deem necessary to any approval or authority given under the provisions of this section.

(6) In the event of the promoters ceasing to promote further lotteries, any assets acquired with funds utilised in accordance with the provisions of this section shall be sold and the proceeds of such sale disposed of in meeting winding-up expenses and accrued liabilities, not otherwise provided for, and any residue remaining after any such expenses or liabilities have been met shall be disposed of in such manner as the Board may direct.

(No. 20 of 1961)

9. (1) The promoters of any lottery authorised under the provisions of section *five* shall pay into the general revenues of the Republic such fee or fees in respect of such authorisation as may from time to time be prescribed.

Prescribed fees

(2) For the purposes of any condition imposed upon the authorisation of a lottery in respect of the limitation of operating expenses, any fee paid under the provisions of this section shall be deemed to be part of such expenses.

(As amended by S.I. No. 91 of 1965)

10. For the purposes of any civil proceedings brought in respect of any ticket or chance in any lottery authorised under the provisions of section *five*, a condition imposed by the promoters of such lottery that tickets or chances in such lottery shall not be sold, or prizes awarded, to any specified class or classes of persons shall be deemed to be null and void.

Invalid conditions by promoters

11. Before authorising the promotion of a lottery under the provisions of subsection (1) of section *five*, the Board may require the promoters of such lottery to become a body corporate under any written law for the time being in force relating to incorporation.

Power to require incorporation of promoters

12. (1) A lottery may be promoted and conducted as an incident of an entertainment to which this section applies provided that all the conditions specified in subsection (2) are observed in connection with the promotion and conduct of such lottery.

Lotteries incidental to certain entertainments

(2) The conditions referred to in subsection (1) are that-

- (a) the whole proceeds of the entertainment (including the proceeds of the lottery) after deducting-
 - (i) the expenses of the entertainment excluding the expenses incurred in connection with the lottery; and
 - (ii) the expenses incurred in printing tickets in the lottery; and
 - (iii) such sum (if any) not exceeding twenty kwacha as the promoters of the lottery think fit to appropriate on account of any expenses incurred by them in providing or purchasing prizes in the lottery;shall be devoted to purposes other than private gain;
- (b) tickets or chances in the lottery shall not be sold or issued, nor shall the result of the lottery be declared, except on the premises on which the entertainment takes place and during the progress of the entertainment; and
- (c) the facilities provided for participating in lotteries shall not be the only, or the only substantial, inducement to persons to attend the entertainment.

(3) If any of the conditions specified in subsection (2) is broken or not complied with, every person concerned in the promotion or conduct of the lottery shall be guilty of an offence and shall be liable to a fine not exceeding two hundred and fifty penalty units

Provided that in any proceedings instituted under the provisions of this subsection it shall be a defence to prove that the offence was committed without the knowledge of the person against whom such proceedings are brought.

(4) The entertainments to which this section applies are bazaars, sales of work, fetes, dances and other entertainments of a similar character, whether limited to one day or part thereof or extending over two or more days.

(As amended by Act No. 13 of 1994)

13. (1) In this section-

"private lottery" means a lottery within Zambia which is promoted for, and in which the sale of tickets or chances by the promoters is confined to, either-

- (a) members of one club established for social or recreational purposes only; or
- (b) persons all of whom work in the same building; or
- (c) persons all of whom reside in the same building;

and which is promoted by persons each of whom is a person to whom, under the foregoing provisions, tickets or chances may be sold by the promoters and, in the case of a lottery promoted for the members of a club, is a person authorised in writing by the governing body of the club to promote the lottery.

(2) A private lottery may be promoted and conducted provided that all the conditions specified in subsection (3) are observed in connection with the promotion and conduct of such lottery.

(3) The conditions referred to in subsection (2) are that-

- (a) the whole proceeds, after deducting only expenses incurred for printing and stationery, shall be devoted to the provision of prizes for purchasers of tickets or chances or, in the case of a lottery promoted for the members of the club, shall be devoted either to the provision of prizes as aforesaid or to purposes which are purposes of the club or, as to part, to the provision of prizes as aforesaid and, as to the remainder, to such purposes as aforesaid;
- (b) there shall not be exhibited, published or distributed any written notice or advertisement of the lottery other than-
 - (i) a notice thereof exhibited on the premises of the club for whose members it is promoted or, as the case may be, in the building in which the persons for whom it is promoted work or reside; and
 - (ii) such announcement or advertisement thereof as is contained in the tickets, if any;
- (c) the price of each ticket or chance shall be the same, and the price of any ticket shall be stated on the ticket;
- (d) every ticket shall bear upon the face of it the names and addresses of the promoters of the lottery and a statement of the persons to whom the sale of tickets or chances by the promoters is restricted, and a statement that no prize won in the lottery shall be paid or delivered by the promoters to any person other than the person to whom the winning ticket or chance was sold by them, and no prize shall be paid or delivered except in accordance with that statement;

The Laws of Zambia

- (e) no ticket or chance shall be issued or allotted by the promoters except by way of sale and upon receipt of the full price thereof, and no money or valuable thing so received by a promoter shall in any circumstances be returned; and
- (f) no ticket in the lottery shall be sent through the post.

(4) If any of the conditions specified in subsection (3) is broken, each of the promoters of the lottery and, where the person by whom the condition is broken is not one of the promoters, that person also, shall be guilty of an offence and shall be liable to a fine not exceeding five hundred penalty units

Provided that it shall be a defence for a person charged only by reason of his being a promoter of the lottery to prove that the offence was committed without his knowledge.

(As amended by Act No. 27 of 1989 and No. 13 of 1994)

14. Where a person convicted of an offence under this Act is a body corporate, every person who at the date of the commission of the offence was a director or officer of such body corporate shall also be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge.

Offences by bodies corporate

15. (1) The Minister may, by statutory instrument, make regulations-

Powers of President and Minister

- (a) prescribing the form in which any application for authorisation under the provisions of section *five* shall be made;
- (b) prescribing the amount of any fee payable under the provisions of section *nine*;
- (c) generally for the carrying into effect of this Act.

(2) The President may give general or special directions to officers commanding Police Divisions in regard to the discharge of their functions as controlling authorities.

(As amended by G.N. No. 304 of 1964 and S.I. No. 91 of 1965)

SUBSIDIARY LEGISLATION

LOTTERIES

The Laws of Zambia

SECTION 15-THE LOTTERIES (PROCEDURE AND FEES) REGULATIONS

Regulations by the Minister

Government Notices
281 of 1957
45 of 1960
497 of 1964
Statutory Instrument
91 of 1965
147 of 1989
158 of 1990
8 of 1992
6 of 1993
Act No.
13 of 1994

1. These Regulations may be cited as the Lotteries (Procedure and Fees) Regulations.

Title
2. Every application for authorisation under the provisions of section *five* of the Act to promote or conduct a lottery shall be submitted to the appropriate controlling authority in Form 1 in the First Schedule.

Form of application

(As amended by No. 45 of 1960)
3. There shall be attached to every such form of application a specimen copy of the ticket or chance, identical in every particular with the tickets or chances intended to be issued for sale.

Specimen of ticket to be submitted
4. Any such application shall be submitted to the appropriate controlling authority at least thirty days before the date set for either the advertisement of the lottery or the commencement of the issue of tickets, whichever may be the earlier.

Time for submission of application
5. On receipt of any such application, a controlling authority shall satisfy itself that the particulars required are set out with sufficient clarity and may return the application for amplification or amendment.

Particulars to be set out clearly
6. The promoters of any lottery authorised by a controlling authority shall pay to the said authority within seven days from the receipt of such authorisation the fees set out in the Second Schedule.

Fees
7. (1) The chairman shall preside at all meetings of the Board at which he is present. In the absence of the chairman, the members shall elect one of their number to preside.

Meetings of Board

(2) All questions coming or arising before a meeting shall be decided by a majority of the members present and voting thereon and, in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

The Laws of Zambia

(3) The Board shall keep minutes of all its meetings.

8. (1) No person shall knowingly make in any application for authorisation of a lottery under the provisions of section *five* of the Act a statement which is false in a material particular. Offence

(2) Any person who contravenes the provisions of this regulation shall be guilty of an offence and shall be liable to a fine not exceeding eight penalty units or to imprisonment for a period not exceeding three months, or to both.

(As amended by Act No. 13 of 1994)

The Laws of Zambia
FIRST SCHEDULE
PRESCRIBED FORM

FORM 1
(Regulation 2)

THE LOTTERIES ACT

APPLICATION FOR AUTHORISATION TO PROMOTE AND CONDUCT A LOTTERY

1. State the name, address and telephone number of organisation promoting the lottery (BLOCK CAPITALS)
 2. State whether the organisation is incorporated or not
 3. If not incorporated, state the names, addresses and occupations of two guarantors (BLOCK CAPITALS)
 - What is the extent of their acceptance of liability in respect of the lottery? (Proof of acceptance of liability should be in writing and signed by the guarantors).. ..
 4. If incorporated, state the name and address of manager responsible for administration of the lottery (BLOCK CAPITALS)
 - Give details of fidelity bonds existing in respect of administration staff
 5. State whether it is intended to raise funds for social service; public welfare; relief of distress; patriotic purposes; provision of recreational or sporting facilities
 6. What form will the lottery take (e.g. sweepstake, raffle, game of chance, etc.)?
 7. If a sweepstake or raffle-
 - (a) give the price and number of all types of tickets or chances to be issued for sale
 - (b) state method by which tickets or chances are to be sold: i.e. books of tickets, subscription lists, etc. How will vendors be selected and what inducements (if any) will they be offered?
 - (c) will tickets be sold outside Zambia? If so, by what means?
 8. If a game of chance, give full particulars
 9. What percentage (25 per cent. or over) of gross proceeds is to be devoted to beneficiaries?
 10. Give particulars (including addresses) of the proposed beneficiaries stating the proportion in which each will benefit (if insufficient space, please attach an additional sheet)
 11. What is the estimated percentage of the gross proceeds which will be deducted for operating expenses?
 12. Give details of prizes-
 - (a) monetary;
 - (b) other.If under (b), is it proposed to buy them with proceeds from the sale of tickets?
 13. On what date is it proposed to draw the lottery and by what method will the draw be conducted?
 14. What method is proposed for the distribution of prizes?
 15. In the event of the lottery's gross proceeds exceeding the amount necessary to pay the beneficiaries, the expenses and the prizes, how will the excess be disposed of? Please give particulars
- Signature of applicant
- Date

The Laws of Zambia

NOTES:

- (a) This application must be submitted to the controlling authority in the following manner:
 - (i) (in triplicate) in the case of a lottery in which the tickets or chances to be issued for sale are of a total value of K600 or less, to the Officer Commanding the Police Division of the area in which the lottery is to be conducted; or
 - (ii) (in quintuplicate) in the case of a lottery in which tickets or chances to be issued for sale are of a total value of more than K600, to the Lotteries Control Board, P.O. Box 575, Lusaka.
- (b) A specimen of each type of ticket or chance to be issued for sale must be attached to each form, together with a list of rules, if any, under which the tickets are to be sold.
- (c) The law requires that an application should be submitted to the controlling authority at least thirty days before the date set for either the advertisement of the lottery or the commencement of the issue of tickets, whichever may be the earlier.
- (d) In the case of a lottery authorised by the Zambia Police, the words "Authorised by the Zambia Police" should appear on the ticket, and in the case of those authorised by the Lotteries Control Board, the words "Authorised by the Lotteries Control Board of Zambia" should appear on the ticket.
- (e) At least a quarter of the gross proceeds must be devoted to the object for which the lottery is promoted and not more than one-fifth of such quarter may be used outside Zambia.
- (f) Not more than 12 1/2 per cent. of the gross proceeds is allowed for operating expenses, except in the case of a series of lotteries, when additional expenses may be permitted in respect of the first three draws at the discretion of the controlling authority.

(No. 45 of 1960 as amended by No. 91 of 1965)

The Laws of Zambia

SECOND SCHEDULE

(Regulation 6)

SCALE OF FEES

Where the total value of the tickets or chances to be issued for sale:

	Fee units
Does not exceed K2,000	20
Exceeds K2000 and does not exceed K8,000	30
Exceeds K8,000 and does not exceed K20,000	75
Exceeds K20,000 and does not exceed K35,000	150
Exceeds K35,000 and does not exceed K60,000	200
Exceeds K60,000 and does not exceed K80,000	300
Exceeds K80,000 and does not exceed K100,000	400
Exceed K100,000	500

(As amended by S.I. No. 158 of 1990, 8 of 1992 and No. 6 of 1993 and Act No. 13 of 1994)