

CHAPTER 191

THE NATIONAL LOTTERIES ACT.

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CHAPTER 191

THE NATIONAL LOTTERIES ACT.

Commencement: 18 September, 1967.

An Act to authorise the Government to conduct lotteries.

1. Interpretation.

In this Act, unless the context otherwise requires—

- (a) “lottery” includes any scheme or device for the sale, gift, disposal, or distribution of any property, depending upon or determined by lot or chance, whether by the throwing or casting of dice or by the drawing of tickets, cards, lots, numbers or figures or by means of a wheel or trained animal or otherwise howsoever;
- (b) “Minister” means the Minister to whom functions under this Act are assigned.

2. Power to conduct lotteries.

The Minister may, with a view to the raising of revenue, conduct lotteries under this Act.

3. Lottery Fund.

(1) There is established a fund to be known as the Lottery Fund which shall be deemed to be a fund established under section 16 of the Public Finance Act.

(2) There shall be paid into the Lottery Fund the proceeds of the sale of tickets in any lottery conducted by the Minister, less the amounts duly retained by sellers of the tickets.

(3) There shall be paid out of the Lottery Fund the money for the prizes in the lotteries, the expenses of administration, including any remuneration payable to any person, the cost of printing, travelling expenses of staff, audit fees and all other charges connected therewith, and any other payments required or authorised under this Act.

4. Acquisition of assets.

The Minister may, out of monies in the Lottery Fund, purchase any property or erect buildings or acquire any other assets required for the purpose of conducting Government lotteries.

5. Deficits.

Where at any time the amount of money standing to the credit of the Lottery Fund is less than the amount required to meet the money for prizes or other payments to be made out of the fund under this Act, the balance shall be charged on, and paid by the Minister subject to article 154(3) of the Constitution out of, the Consolidated Fund and paid into the Lottery Fund.

6. Money to be transferred to the Consolidated Fund.

Where the amount of money standing to the credit of the national Lottery Fund exceeds two hundred and fifty thousand shillings, the national Lotteries Board shall transfer the surplus to the Consolidated Fund.

7. Appointment of date for draw.

The Minister shall, by statutory instrument, appoint the date on which the draw of tickets in any lottery may be held, and the date of the publication of the instrument shall not be less than one week before the date appointed for the draw of tickets.

8. Regulations.

The Minister may, by statutory instrument, make regulations as respects lotteries to be held under this Act and, in particular, as respects—

- (a) the number and value of prizes to be distributed;
- (b) the appointment of a lotteries board with such functions as may be prescribed by the regulations;
- (c) the appointment of a commission to verify the numbers of tickets the holders of which should participate in a lottery to be present at the draw of tickets, and to carry out such other duties in connection with the draw as may be prescribed by the regulations;
- (d) the appointment, duties and remuneration of agents for the sale and sellers of tickets;

- (e) the form of any tickets or other documents to be used in the conduct of lotteries;
- (f) the denomination and number of tickets to be issued;
- (g) the method of collection and disposal of subscriptions;
- (h) the issue of tickets in respect of subscriptions;
- (i) the method of claiming prizes;
- (j) the determination of any dispute as to the person entitled to any prize or money and providing that in the event of a dispute as to a prize remaining unsettled for a prescribed period the prize may be forfeited;
- (k) the disposal of unclaimed prizes;
- (l) the better carrying into effect of the objects and principles of this Act.

9. Certain private lotteries prohibited.

(1) Subject to this section, no person, other than the Minister, may promote or conduct any lottery.

(2) This section shall not apply to a lottery promoted as an incident of a bazaar, sale of work, fete or other entertainment of a similar character whether limited to one day or extending over two or more days provided that the following conditions are fulfilled—

- (a) none of the prizes in the lottery shall be money prizes;
- (b) the total value of the prizes shall not exceed one thousand shillings;
- (c) the whole proceeds of the entertainment (including the proceeds of the lottery) after deducting—
 - (i) the expenses of the entertainment, excluding expenses other than for prizes incurred in connection with the lottery; and
 - (ii) the expenses incurred in printing tickets of the lottery, shall be devoted to a social, charitable or sporting purpose and not in part or whole for private gain;
- (d) the facilities offered for participating in lotteries shall not be the only or the only substantial inducement to a person to attend the entertainment; and
- (e) the result of the lottery shall not be declared except on the premises on which the entertainment takes place and during the progress of the entertainment.

10. Offences and penalties.

- (1) Any person—
 - (a) who without lawful excuse, the proof of which shall lie on him or her, has in his or her possession any forged ticket for a Government lottery under this Act;
 - (b) who, before a draw has taken place, sells any Government lottery ticket at a price exceeding the prescribed price for the ticket; or
 - (c) who, otherwise than in pursuance or by virtue of this Act—
 - (i) promotes or conducts any lottery;
 - (ii) opens, keeps or uses any place for carrying on a lottery; or
 - (iii) prints or publishes or causes to be printed or published any advertisement or other notice of or relating to any lottery,commits an offence and is liable on conviction to a fine not exceeding five thousand shillings or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.

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

11. Application of other law.

For the avoidance of doubt, it is declared that nothing in this Act shall affect the operation of the Public Collections Act.

History: Act 7/1967; S.I. 89/1967; Act 3/1968; Decree 8/1973.

Cross References

Constitution of 1995.
Public Collections Act, Cap. 293.
Public Finance Act, Cap. 193.
