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## **Lotteries Act**

**Act No. 10 of 1975**

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**Lotteries Act**

ACT NO. 10 OF 1975

[Date of Assent: 21-8-75]

[Commencement: promulgation.]

**ACT**

To provide for the establishment, promotion and conduct of State and other lotteries and for matters connected with and incidental thereto.

Enacted by the Assembly

1. This Act may be cited as the Lotteries Act 1975. Short title

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

“lottery” includes any scheme or device for the sale, gift, disposal or distribution of any property dependent upon or to be determined by lot or chance, whether by the throwing or casting of dice, or by the withdrawing of tickets, cards, lots, numbers or figures, or by means of a wheel, or otherwise howsoever;

“Minister” means the Minister for the time being responsible for Finance;

“prescribed” means prescribed by regulations made in pursuance of this Act;

“promoter” means a person to whom a licence has been granted to promote a lottery in pursuance of the provisions of Part II of this Act;

“subscribe” means to pay over money for the right to participate in the draw for prizes in a lottery;

“ticket” means the certificate given to a person subscribing to a lottery.

**PART I**

**ESTABLISHMENT OF STATE LOTTERY**

3. It shall be lawful for the Minister, to promote and conduct State Lotteries, subject to the provisions of this Act, 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; and, without limiting the generality of the foregoing powers, in particular — Power of Minister to promote or conduct lotteries

(a) to appoint ticket sellers, and to fix the places at which, and the period and hours during which tickets may be sold;

(b) to design and cause to be printed the official stamp to be used for the stamping of tickets sold;

- (c) to fix the selling price of tickets;
- (d) to make all arrangements for the drawing of prizes;
- (e) to determine the number and value of prizes;
- (f) to determine the manner in which a prize shall be claimed;
- (g) to decide the mode of payment of prizes;
- (h) to provide for the disposal of prizes as to which any dispute has arisen;
- (i) to declare forfeited any unclaimed prize and to determine its disposal; Provided that no such forfeiture shall take effect until twelve months after the day of the award of the prize;
- (j) to publish lists of prize winners;
- (k) to incur and defray expenses.

Lotteries special fund

4. (1) All moneys received from the sale of tickets in or from the promotion or conduct of every State Lottery shall be credited to the Lotteries Special Fund, established under the Finance Act 1973.

(2) Moneys may be withdrawn from the Lotteries Special Fund for the purpose of making any payments authorised or required by this Act.

Power of Minister to decide on lottery or sweepstake

5. Prizes shall be drawn for by chance, and the Minister shall determine whether prizes may be won with or without reference to the happening of any uncertain event other than the result of the application or employment of such mode of chance.

Payment of prizes

6. The Minister shall pay, or cause to be paid, all prizes from the Lotteries Special Fund.

Proportion of every State Lottery to be paid to Consolidated Fund

7. The Minister shall pay, or cause to be paid from the Lotteries Special Fund, into the Consolidated Fund a sum which shall be twenty-five per cent of the total amount subscribed to each State Lottery.

Director of State Lottery

8. (1) If a State Lottery is conducted under this Part, the Minister shall appoint, subject to the laws relating to the Public Service, for such period and on such terms as he may determine, a fit person to be Director of State Lotteries.

(2) The Minister may remove the Director from his Office, and, on any vacancy in the office for any cause whatever, shall appoint another fit person to be Director, and may also appoint an acting Director in the temporary absence of the Director.

Officers

9. Subject to the laws relating to the Public Service, the Minister may appoint for such period and on such terms as he may determine, such officers and servants as he may deem necessary for the due administration of this Act.

10. The bona-fide payment of any prize money shall, to whomsoever made, discharge the Government of Lesotho and the Minister and any person by whom such payment was made from all liability whatsoever in respect of any such payment, notwithstanding any forgery, fraud, mistake, neglect, loss or delay which may have been committed or have occurred in connection therewith;

Non-Liability of Government and officers

Provided that nothing in this section contained shall be construed as exempting the Government or the Minister or the officer in question from liability for damages or loss caused to any person by reason of forgery or fraud on the part of an officer in relation to his duties under this Act.

## PART II

### LICENCE TO PROMOTE A LOTTERY

11. (1) If no State Lottery has been established or is being conducted in pursuance of Part I, the Minister may issue licences to promoters to establish and conduct lotteries.

Licence to promote a Lottery

(2) Before granting any such licence, the Minister shall by notice in the Gazette and in such other manner as he may deem advisable, call for tender for the issue of such licence.

(3) Such notice, calling for tenders shall be in the prescribed form. Tenderers shall be informed of the licence fee payable (if any) and the period of validity of the licence and shall be required to specify —

(a) the number of lotteries they propose to conduct during the currency of the licence and the manner in which and where such lotteries will be conducted;

(b) what percentage of the gross takings they will retain for commission and operating expenses if the tender is accepted;

(c) what security will be provided for payments to the Lesotho Government and of prizes;

(d) the name and address of the tenderer's bankers;

(e) the nationality of the tenderer, and in case the tenderer is a partnership, syndicate or company, the names and nationalities of the individual partners, members or directors, as the case may be.

(4) The procedure to be followed in calling for tenders, by tenderers in making tenders, and the opening of tenders, shall be in accordance with regulations made by the Minister.

(5) After the tenders have been opened, the information contained therein shall be placed before the Minister in such form as may be prescribed.

(6) The Minister shall thereupon consider the tenders and may accept one of the tenders.

(7) If any tender is so accepted the Minister shall issue a licence accordingly.

(8) There shall be stated in every licence issued in pursuance of this section the date of issue thereof, and the licence shall be valid only for the period so defined.

Not more than one licence to be operative at any one time

12. Not more than one licence shall be issued under this Part so as to be operative at any one time.

Renewal of licence

13. (1) At any time not earlier than six months before the expiry date of a licence and not later than four months before such expiry date the promoter holding the licence may apply in writing to the Minister for renewal thereof on the same or different terms.

(2) The Minister may approve the renewal of the licence for a specified period not exceeding twenty-four months from the expiry date of the current licence, on such terms as he may consider proper, or may refuse the application. If the application is approved the Minister shall issue a fresh licence accordingly.

(3) Nothing contained in sub-section (2) shall prevent further applications in accordance with sub-section (1) for further renewal of a licence of successive periods not exceeding at any one time twenty-four months from the expiry of the previous licence.

(4) The decision of the Minister on any such application shall be communicated to the promoter not later than three months before the expiry of the current licence.

(5) If no application for renewal is made by the promoter in accordance with the provisions of this section, or if an application for renewal is refused by the Minister, the Minister may advertise for fresh tenders.

(6) In case the Minister shall advertise for fresh tenders the provisions of sections eleven and sixteen shall apply in relation thereto.

Fees

14. (1) The promoters shall pay from time to time such fee or fees in respect of such licence as the Minister may prescribe.

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

Imposition of conditions

15. (1) The Minister may, in respect of any lottery licensed under this Part, impose such conditions as he may deem fit.

(2) Without prejudice to the generality of sub-section (1), the Minister shall impose conditions on every licence so issued—

- (a) specifying that the percentage of total subscriptions which the promoter shall pay to the Treasury in accordance with sub-section (3) shall be twenty five per cent;
- (b) providing for the amount (which shall not, exceed twelve

and one half per cent of the total sub-scriptions) which the promoter may deduct in respect of commission and operating expenses;

(c) making provision for the employment of an accountant and making such provision as the Minister thinks proper for the protection of purchasers of tickets in the lottery against fraud;

(d) providing for the submission of accounts by the promoter;

(e) relating to the provision by the promoter of security for payment of any amounts which he may be required by this Act to pay, including the payment of prizes;

(f) providing that the head office of the promoter, for the purposes of the lottery, shall be at a named place within Lesotho.

(3) The moneys paid by the promoter in pursuance of paragraph (a) of sub-section (2) shall be paid into the Consolidated Fund.

16. The Minister may —

Powers of Minister

(a) make, or cause to be made, such investigation, require the submission of such information as he may deem necessary in order to enable him to examine into any tender submitted in pursuance of section eleven or thirteen;

(b) take such steps as he may deem necessary in order to ensure that any conditions imposed under section fifteen have been or are being complied with.

### PART III MISCELLANEOUS

17. Any person who sells tickets in a State Lottery otherwise than in accordance with orders or directions made or given by the Minister under the provisions of section three shall be guilty of an offence, and liable, on first conviction to a fine not exceeding fifty rand, or to imprisonment not exceeding three months; or on second or subsequent conviction for having committed the offence specified in this section, to a fine not exceeding two hundred rand, or to imprisonment not exceeding six months, or to both such fine and imprisonment.

Minor offence

18. Any person who —

(a) promotes a lottery otherwise than under Part I, or under a licence issued under Part II;

Major offences

(b) contravenes any condition imposed in pursuance of the provisions of section fifteen; or

(c) prevents or obstructs any investigation being conducted in pursuance of the provisions of paragraph (a) of section sixteen,

shall be guilty of an offence, and liable, on first conviction, to a

fine not exceeding four hundred rand, or to imprisonment not exceeding twelve months; or, on a second or subsequent conviction for having committed any of the offences set out in this section, to a fine not exceeding one thousand rand, or, in default of payment, to imprisonment not exceeding two years, or to such imprisonment without the option of a fine, or to both such fine and imprisonment.

**Revocation of licence**

19. (1) The Minister may, if a promoter shall fail to observe or perform any condition imposed in the licence, revoke any licence issued in pursuance of Part II.

(2) If the licence is revoked under this section the Minister shall direct the Accountant General to complete the lottery or to take charge of all the subscriptions and other moneys, related to the lottery conducted under the licence, in the hands of the promoter and to prepare and submit to the Minister a distribution account showing in what manner such subscriptions and other moneys shall be allocated.

(3) The Minister, may confirm or vary the distribution account prepared in pursuance of sub-section (3) or direct the Accountant General to submit a new distribution account. The said moneys shall be distributed by the Accountant General in accordance with the distribution account as finally approved.

**Regulations**

20. (1) The Minister may make regulations prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and the fees to be paid under section fourteen.

(2) Such regulations shall, as soon as conveniently possible, be published in the Gazette.

**Placast not to apply**

21. The Placast of nineteenth, of May, 1789, relating to Lottery established, promoted or conducted in accordance with the provisions of this Act.

**Repeal**

22. The Lotteries Law, No. 13 of 1963 is hereby repealed.

**Amendment of the Schedule to Act No. 11 of 1973**

23. The Schedule to the Finance Act 1973 is hereby amended by the addition of the following —  
"Lotteries Fund".



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## National Parks Act 1975

Act No. 11 of 1975

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