

SMALL LOTTERIES LAW, 1961

(No. 28 of 1961)

(Promulgated 8th May, 1962)

as amended by

SMALL LOTTERIES (AMENDMENT) LAW, 1963

(No. 2 of 1963)

(Promulgated 10th October, 1963)

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THE SMALL LOTTERIES LAW, 1961

(No. 28 of 1961)

A law to authorize the promotion of certain small lotteries subject to conditions and to provide for matters incidental thereto.

Short Title

1. This law may be cited as the Small Lotteries Law, 1961.

Interpretation

2. In this law unless the context otherwise requires —

“Society” includes a club, institution, organisation or association of persons, by whatever name called, and any separate branch or section of such club, organisation or association.

Certain Small Lotteries not Unlawful.

3. A lottery shall be deemed not to be an unlawful lottery if it is promoted on behalf of a society registered by a District Commissioner in terms of section *five* and is promoted and conducted in accordance with the provisions of section *six*.

Societies which may be Registered.

4. A society established and conducted wholly or mainly for one or more of the following purposes, that is to say —

- (a) charitable purpose ;
 - (b) participation in or support of athletic sports or games or cultural activities ;
 - (c) purposes not described in paragraphs (a) and (b) of this section and not being purposes of private gain or purposes of any commercial undertaking ;
- may apply to be registered by a District Commissioner in terms of section *five*.

Registration of Societies.

5. (1) An application for the registration of a society under this Law shall be made to the District Commissioner in whose district the head office of the society is established and conducted ; and subject to the provisions of this section, the District Commissioner may, upon application duly made on behalf of a society and on payment of a fee of five rand, register the society in a register to be kept for the purposes of this Law, and notify the society in writing that he has done so.

(2) The District Commissioner may, after giving the society concerned an opportunity of being heard, refuse to register a society under this Law, or revoke

the registration under this Law of a society, if it appears to the District Commissioner —

- (a) that any person has been convicted of an offence committed in connection with a lottery promoted or proposed to be promoted on behalf of the society, being an offence under this Law or an offence committed after the commencement of this Law under any other law relating to lotteries; or
- (b) that the society is not or has ceased to be a society which in terms of section *four*, may apply to be registered; or
- (c) that for any other reason he deems it to be in the public interest so to do.

(3) Where registration has been refused or revoked under this section, the District Commissioner shall forthwith notify the society in writing accordingly and the society may within fourteen days of such notification appeal in writing against the refusal or revocation to the Minister¹ whose decision shall be final.

(4) Where a District Commissioner revokes a registration under this section, then, until the time within which notice of appeal under this section may be given has expired and, if such notice is duly given, until the appeal, the registration shall be deemed to continue in force.

(5) A society which is for the time being registered under this Law may at any time apply to the District Commissioner for the cancellation of the registration; and in any such case the District Commissioner shall cancel the registration accordingly.

(6) Every society which is registered under this Law shall pay to the District Commissioner during the first seven days of January in each year while it is so registered as fee of two rand, and thereafter while such fee remains unpaid shall be deemed not to be a society registered under this law.

Conditions to be Observed in Promotion and Conduct of Lottery.

6. (1) The following conditions shall for the purpose of section *three* be observed in the promotions and conduct of the lottery —

- (a) the promoter of the lottery shall be a member of the society authorised in writing by the governing body of the society to act as such;
- (b) no remuneration shall be paid in respect of the lottery to the promoter, or to any person employed by him in connection therewith;
- (c) no prize shall exceed two thousand rand in amount or value, and no ticket or chance shall be sold at a price exceeding one rand;²
- (d) the whole proceeds, after deducting sums lawfully appropriated on account of expenses or for the provision of prizes, shall be applied to purposes of the society, being purposes described in paragraph (a) (b) or (c) of section *four*;

(1) Amended by L. N. Notice No. 94 1966.

(2) Amended by Law 2 1963.

- (e) subject to the provisions of paragraph (b) of the proviso to section seven, the amount of the proceeds appropriated on account of expenses shall not exceed the expenses actually incurred, or ten per cent of the whole proceeds, whichever is the less, and the amount of the proceeds appropriated for the provision of prizes shall not exceed sixty-five per cent' of the whole proceeds ;
- (f) the price of every ticket or chance shall be the same, and the price of any ticket shall be stated on the ticket ;
- (g) the total value of the tickets or chances sold shall not exceed two thousand five hundred rand and if on any day on which tickets or chances in the lottery are on sale, tickets or chances are on sale in another lottery to which this Law applies promoted on behalf of the society, the total value of the tickets or chances sold in these lotteries taken together shall not exceed two thousand five hundred rand ;
- (h) no money received by the promoter for or on account of a ticket or chance shall in any circumstances be returned ;'
- (i) every ticket and every notice or advertisement of the lottery lawfully exhibited, distributed or published, shall specify the name of the society, the name and address of the promoter and the date on which the draw, determination or event by or by reference to which the prize-winners are ascertained will take place ;
- (j) no ticket shall be sent through the post to a person not being a member of the society ;
- (k) no person shall be admitted to participate in the lottery in respect of a ticket or chance except after payment to the promoter of the whole price of the ticket or chance :

Provided that a person employed by the promoter to sell tickets or chances in a lottery may be admitted to participate in such lottery in respect of such free tickets or chances as the promoter may award to him, which award shall not exceed more than one free ticket or chance for each twenty tickets or chances sold by such person in such lottery'.

(1) Subject to the provisions of paragraph (b) of the proviso to section seven no payment on account of expenses or prizes shall be made out of moneys of the society not being proceeds of the lottery ; and

(l) no ticket or chance shall be sold by or to a person under sixteen years of age.

(2) For the purposes of this section tickets or chances in a lottery shall be deemed to be on sale on each day between the dates on which such tickets or chances are first and last sold, whether or not any such ticket or chance is sold on that day.

Penalties.

7. If any condition required by section *six* to be observed in respect of a lottery promoted in accordance with the provisions of section *three* is contravened, the promoter of the lottery and any other person who is party to the contravention shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand, or, in default of payment thereof to imprisonment not exceeding six months, or to such imprisonment without the option of a fine or to both such fine and imprisonment:

Provided that —

- (a) it shall be a defence for a person charged with an offence only by reason of his being the promoter to prove that the contravention took place without his knowledge;
- (b) it shall be a defence for any person charged with an offence in respect of an appropriation or payment made in contravention of paragraph (e) or paragraph (1) of subsection (1) of section *six* to prove that the proceeds of the lottery fell short of the sum reasonably estimated, that the appropriation or payment was made in respect of expenses actually incurred or in order to fulfil an unconditional undertaking as to prizes given in connection with the sale of the relevant tickets or chances, and that the total amounts appropriated or paid in respect of expenses and prizes did not exceed the amounts which could lawfully have been appropriated out of the proceeds of the lottery under the said paragraph (e) if the said proceeds had amounted to the sum reasonably estimated.

Returns to be Made by Promoters.

8. (1) The Promoter of a lottery to which section *three* applies shall, within one month from the date on which the winners of prizes in the lottery are ascertained, send to the District Commissioner in whose district the society is registered in terms of section *five* a return certified by two other members of the society being persons of full age authorised in writing by the governing body of the society for such purpose, showing —

- (a) the whole proceeds of the lottery;
- (b) the sums appropriated out of these proceeds on account of expenses and on account of prizes respectively;
- (c) the particular purpose or purposes to which proceeds of the lottery were applied in pursuance of paragraph (d) of subsection (1) of section *six*, and the amount applied for that purpose, or for each of those purposes, as the case may be; and
- (d) the dates between which tickets or chances in the lottery were sold.

(2) The District Commissioner to whom any return is sent under this section shall preserve the return for a period of at least one year and during that period shall keep it at his office and permit any member of the public to inspect it during office hours.

(3) Any person who fails to send a return in accordance with the provisions of this section, or who in any return sent by him thereunder knowingly gives any information which is false or misleading or who certifies any return to be sent under this section knowing it to contain any such information, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand, or, in default of payment thereof to imprisonment not exceeding six months, or to such imprisonment without the option of a fine or to both such fine and imprisonment.