LOTTERIES ACT

CHAPTER 20:12

Act
9 of 1976
Amended by
12 of 1990

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Note
on
Subsidiary Legislation

This Chapter contains no Subsidiary Legislation.

CHAPTER 20:12

LOTTERIES ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.

PART I

ESTABLISHMENT, CONSTITUTION, MANAGEMENT AND STAFF

3. Establishment of the Commission.
4. Constitution of Commission.
5. Seal of the Commission.
6. Service of notice, etc.
7. Procedure and meetings of the Commission.
8. Disclosure of interest and abstaining from voting.
9. Appointment of committees.
10. Power to delegate.
11. Remuneration of members.
12. Appointment of general manager.
13. Appointment of officers and servants.
14. Validity of acts of Commission.
15. Protection of members.
16. Policy.

PART II

FUNCTIONS OF THE COMMISSION

17. Functions of the Commission.
18. Funds of the Commission
19. Borrowing powers.
20. [illegible]
21. Reserve Funds.
22. Application of funds.
23. Accounts and audit.
24. Report.
25. [illegible]

SECTION
26. Income tax exemption.
27. Regulations.
28. Offences and penalties in respect of loans.
29. Minutes received in evidence.

CHAPTER 20:12

LOTTERIES ACT

AN ACT to provide for the establishment of a Lotteries Commission for promoting the development of lotteries, pools and games of chance in Dominica and for purposes connected therewith. 9 of 1976.

[1st July 1976] Commencement.

PRELIMINARY

1. This Act may be cited as the – Short title.

LOTTERIES ACT.

2. In this Act – Interpretation.

"chairman" means the chairman of the Commission;

"Commission" means the Lotteries Commission established under section 3;

"financial year" means such period of twelve months as the Commission with the approval of the Minister of Finance may determine to be its financial year, so, however, that the first financial year shall be the period commencing with the commencement of this Act and ending with such day as may be fixed by the Minister of Finance;

"general manager" means the general manager of the Commission appointed under section 12 and includes any person appointed to act as general manager;

"member" means a member of the Commission and includes the chairman and deputy chairman;

"Minister" means the Minister responsible for Finance.

PART I

ESTABLISHMENT, CONSTITUTION, MANAGEMENT AND STAFF.

3. (1) There is hereby established for the purposes of this Act a body to be called the Lotteries Commission. Establishment of the Commission. [12 of 1990]

(2) The Commission shall be a body corporate.

(3) Subject to subsection (4) the Commission shall be the sole authority for the running or operation of lotteries in Dominica.

(4) The Minister may licence any other body or agency to carry on a lottery in Dominica on such terms and conditions as he may approve.

Constitution of Commission.

4. (1) The Commission shall consist of not more than five members as the Minister may from time to time determine.

(2) Every member shall be appointed by the Minister for such period, not exceeding three years, as the Minister may direct and shall, on ceasing to be a member, be eligible for re-appointment.

(3) Any member may at any time resign his office by instrument in writing addressed to the chairman, who shall forthwith cause it to be forwarded to the Minister.

(4) Where a member ceases to be a member for any reason, the Minister may appoint another member in his place for the remainder of the time for which the former member would have served but for his ceasing to be a member.

(5) The Minister shall appoint a chairman and a deputy chairman from amongst the members.

(6) In the event of incapacity from illness or from any other temporary cause or of temporary absence from the State of any member, the Minister may appoint some other person to act as a temporary member during the time such incapacity or absence continues.

(7) The Minister may at any time revoke the appointment of any member if he considers it expedient so to do.

(8) The appointment of any member and the termination of office of any person as a member shall be notified in the *Gazette*.

Seal of the Commission.

5. (1) The seal of the Commission shall be kept in the custody of the chairman or of the general manager and may be affixed to instruments pursuant to a resolution of the Commission by the general manager.

(2) The seal of the Commission shall be authenticated by the signature of the chairman or deputy chairman and the general manager, and the seal shall be officially and judicially noticed.

(3) All deeds, instruments, contracts and other documents other than those required by law to be under seal made by and all decisions of the Commission may be signified under the hand of the chairman, or deputy chairman or general manager.

Service of notice, etc.

6. Service upon the Commission of any notice, order or other document shall be executed by delivering the same or by sending it by registered post addressed to the general manager at the office of the Commission.

Procedure and meetings of the Commission.

7. (1) The Commission shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such place and time and on such days as the Commission may determine.

(2) The chairman may at any time call a special meeting of the Commission and shall call a special meeting within seven days of a requisition for that purpose addressed to him by any three members to consider the matters contained in the requisition.

(3) The chairman shall call a special meeting of the Commission if directed by the Minister to do so.

(4) The chairman, or in his absence the deputy chairman, shall preside at all meetings of the Commission.

(5) The chairman, or in his absence the deputy chairman, and two other members shall form a quorum:

Provided that where any member is disqualified from taking part in any deliberation or decision of the Commission with respect to any matter, he shall be disregarded for the purposes of constituting a quorum for deliberating on or deciding that matter.

(6) The decision of the Commission with regard to any question shall be determined by vote of the majority of the members present at the meeting of the Commission and in any case when the votes of the members present in regard to any question shall be equally divided, the chairman or deputy chairman presiding at the meeting shall have a casting vote in addition to his own vote.

(7) Minutes of the proceedings of each meeting of the Commission shall be kept in such manner as the Commission may determine and shall be confirmed by the chairman or the deputy chairman (as the case may be) as soon as practicable thereafter at a subsequent meeting.

(8) The Commission may co-opt any one or more persons to attend any particular meeting of the Commission for the purpose of assisting or advising the Commission, but no such co-opted person shall have any right to vote.

(9) Subject to the provisions of this section, the Commission shall have power to regulate its own proceedings.

Disclosure of interest and abstaining from voting.

8. (1) A member who is in any way, whether directly or indirectly, interested in an application to the Commission or for a contract or proposed contract with the Commission, shall declare the nature of his interest at the first meeting of the Commission at which it is possible for him to do so.

(2) A member shall not vote in respect of any application to the Commission or in respect of any contract or proposed contract with the Commission in which he is in any way interested, whether directly or indirectly.

Appointment of committees.

9. (1) The Minister may appoint a committee of the Commission to examine and report to it on any matter whatsoever arising out of or connected with any of its functions under this Act.

(2) Any such committee shall consist of at least one member together with such other persons, whether members or not, whose assistance or service the Minister may desire.

(3) Where persons, other than members, are members of a committee appointed under this section, or where any person is co-opted under the provisions of section 7(8), the Commission may with the approval of the Minister by resolution declare the remuneration and allowance of such persons, and such sums shall properly be payable out of the funds and resources of the Commission.

(4) The Minister may reject the report of any such committee or adopt it either wholly or with such modifications, additions or adaptations as he may think fit.

Power to delegate.

10. Subject to the provisions of this Act, the Commission may [illegible] authority to carry out on its behalf such duties as it may determine.

Remuneration of members.

11. There shall be paid from the funds of the Commission to the chairman, deputy chairman and other members such, if any, remuneration, fees or allowances as the Minister may determine.

Appointment of general manager.

12. (1) The Commission shall, at such salary and upon such terms and conditions of service as it may determine and with the prior approval of the Minister, appoint a general manager.

(2) The general manager shall be the chief executive officer of the Commission and shall be present at all meetings of the Commission unless he has obtained leave of absence from the chairman or is incapacitated by illness or other cause from attending the meetings.

(3) In the event of the absence of the general manager, the Commission may, by instrument in writing and with the prior approval of the Minister, appoint any person to act as general manager during the period of the absence upon such terms and conditions as it may determine. The person so appointed may exercise all the powers and all the duties by this Act exercisable or to be performed by the general manager or as many of the powers and duties as may be specified in the instrument.

Appointment of officers and servants.

13. (1) The Commission may appoint and employ at such remuneration and on such terms and conditions as it thinks fit and with the prior approval of the Minister such officers and servants as it deems necessary for the proper carrying out of its functions under this Act.

(2) The persons so engaged shall perform such duties as may be assigned to them by the general manager.

Validity of acts of Commission.

14. The validity of any act done or proceedings taken under this Act shall not be questioned on the ground of –

(a) the existence of any vacancy in the membership of or any defect in the constitution of the Commission; or

(b) the contravention by a member of the provisions of section 8; or

(c) any omission, defect or irregularity not affecting the merits of the case.

Protection of

15. No personal liability shall attach to any member in respect of anything done or suffered in good faith under the provisions of this Act, and any sums of money, damages or costs which may be recovered against any such member in respect of any act or thing done *bona fide* for the purpose of carrying this Act into effect shall be paid out of the funds and resources of the Commission.

Policy.

16. (1) The Minister may, after consultation with the chairman, give to the Commission directions of a general character as to the policy to be followed in the performance of its functions in relation to matters appearing to him to concern the public interest.

(2) The Commission shall furnish the Minister with such returns, accounts and other information as he may require with respect to the property and activities of the Commission, and shall afford to him facilities for verifying such information in such manner and at such times as he may reasonably require.

PART II

FUNCTIONS OF THE COMMISSION

Functions of the Commission.

17. (1) Subject to the provisions of this Act, the Commission shall have power to carry out or provide for the running of lotteries in Dominica.

(2) Subject to the provisions of this Act, the Commission may, for the purpose of performing any of its functions under this Act, do anything and enter into any transaction which in its opinion is necessary to ensure the proper performance of its functions.

(3) In particular and without prejudice to the generality of the provisions of subsections (1) and (2), the Commission may –

(a) organise, provide, conduct and control the operation of lotteries in Dominica or connected with Dominica;

(b) carry on such forms of pool betting business as may from time to time be approved by the Minister;

(c) make arrangements for the proper and prompt payment of prize moneys payable under this Act;

(d) engage in any activity which in its opinion is necessary to or conducive to the proper discharge of its functions;

(e) advise the Minister on the development of all forms of games of chance in the State;

(f) provide the Minister with a statement of the proceeds of each drawing of a lottery or pool business or game of chance within one week of any such drawing.

(4) The Commission shall, in performing any of its functions under this Act, take such action as may be necessary and practicable to

ensure that its revenues become at the earliest possible date and thereafter continue to be at least sufficient to meet all sums properly chargeable to the revenue account including sums required for the payment of prizes, loans and interest thereon, and for the establishment and maintenance of its property and its reserve fund.

PART III

FINANCIAL

Funds of the Commission.

18. The funds and resources of the Commission shall consist of –

(a) such sums as may from time to time be placed at its disposal by the House of Assembly;

(b) funds arising from the sale, lease, or other disposition of property vested in the Commission, or from the conduct of lotteries, pool business or any game of chance;

(c) funds arising from any source consequential upon the performance of its functions under this Act;

(d) sums borrowed by the Commission for the purpose of meeting any of its obligations or discharging its functions;

(e) all other sums or property that may become payable to or vested in the Commission in respect of any matter incidental to its powers and duties.

Borrowing powers.

19. (1) Subject to the provisions of this Act the Commission may borrow sums required by it for meeting any of its obligations or discharging any of its functions under this Act.

(2) The power of the Commission to borrow shall be exercisable only with the approval of the Minister as to the amount, as to the sources of borrowing and as to the terms on which the borrowing may be effected; and an approval given in any respect for the purpose of this subsection may be either general or limited to a particular borrowing or otherwise and may be either unconditional or subject to conditions.

Guarantee of borrowings of Commission.

20. (1) The Minister may guarantee, in such manner and on such conditions as he may think fit, the payments of the principal and interest of any authorised borrowing of the Commission.

(2) Where the Minister is satisfied that there has been default in the payment of any principal moneys or interest guaranteed under the provisions of this section he shall direct the repayment out of the Consolidated Fund of the amount in respect of which there has been such default.

(3) The Commission shall make to the Accountant General, at such times and in such manner as the Minister may direct, payments of such amounts as may be so directed in or towards repayment of any sums issued in fulfilment of any guarantee given under this section, and payment of interest on what is outstanding for the time being in respect of any sums so issued at such rate as the Minister may direct, and different rates of interest may be directed as regards different sums and as regards interest for different periods.

Reserve Fund.

21. The Commission shall establish a Reserve Fund which shall be dealt with and applied in accordance with any direction which may from time to time be given to the Commission by the Minister.

Application of funds.

22. The funds and resources of the Commission shall be applied for the purposes authorised by this Act in relation to the functions of the Commission and subject thereto and to the provisions of section 21 any surplus shall be paid into the Consolidated Fund.

Accounts and audit.

23. (1) The Commission shall keep accounts of its transactions to the satisfaction of the Minister and such accounts shall be audited annually by qualified accountants appointed by the Commission.

(2) The members, officers and servants of the Commission shall grant to the accountants appointed to audit the accounts under subsection (1) access to all books, documents, cash and securities of the Commission and shall give to them on request all such information as may be within their knowledge in relation to the operation of the Commission.

(3) As soon as the audited accounts have been supplied to the Commission the chairman shall forward to the Minister a copy thereof together with a copy of any report thereon by the auditor.

Report.

24. (1) The Commission shall, not later than four months after the expiration of the financial year, submit to the Minister a report containing

(a) an account of the activities of the Commission during the preceding financial year in such form as the Minister may direct;

(b) a statement of the accounts of the Commission audited in accordance with section 23.

(2) The Minister shall cause a copy of the report together with a copy of the audited statement of the accounts and the auditor's report thereon to be laid on the table of the House of Assembly within six weeks of receipt thereof.

Exemption from stamp duty and other charges.

25. Notwithstanding the provisions of any law providing for the registration of documents or the payment of stamp duties, no certificate, receipt, instrument or other document issued by the Commission shall be subject to stamp duty, registration fee or any charge of a similar nature; nor shall the Commission be liable for the payment of any search or inspection fee in any registration office.

Income tax exemption. Ch. 67:01.

26. Notwithstanding anything contained in the Income Tax Act, the income of the Commission shall not be liable to income tax.

Regulations.

27. The Minister may make Regulations generally for the proper carrying out of the provisions and purposes of this Act and in particular but without prejudice to the generality of the foregoing may make Regulations –

(a) for securing the proper and prompt payment of prize moneys payable under this Act;

(b) prescribing the form of any ticket, notice, coupon or other document authorised or required by this Act to be served or issued;

(c) prescribing any other matter or anything which may be or is required by this Act to be prescribed;

(d) for the control and discipline of staff employed under this Act.

Offences and penalties in respect of loans.

28. Any person who –

(a) obtains any sum from the Commission by means of any false representation

(*b*) wilfully applies any sum paid to him on behalf of the Commission for any purpose other than the purpose for which the sum was paid;

(*c*) wilfully destroys any security ticket, coupon or document of the Commission,

is liable on summary conviction to a fine of four thousand dollars and to imprisonment for six months.

Minutes received in evidence.

29. Any minutes made of meetings of the Commission shall, if purporting to be duly signed by the chairman or deputy chairman, be receivable in evidence in all legal proceedings without further proof, and every meeting of the Commission in respect of the proceedings of which minutes have been so made shall be deemed to have been duly convened and held and all members thereat to have been duly qualified to act.