

Zambia

Lotteries Act, 1957

Chapter 163

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Chapter 163

Commenced on 1 November 1957

[This is the version of this document at 31 December 1996.]

[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]

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.

1. Short title

This Act may be cited as the Lotteries Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"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 Gaming 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. Unauthorised lotteries

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

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

- (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—

- (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. Authorisation of lotteries

- (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—
- (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—
 - (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. Powers of controlling authorities

- (1) A controlling authority may—
 - (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

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. Imposition of conditions

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—

- (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. Utilisation of gross proceeds of a lottery for certain purposes

- (1) Where the promoters of a lottery wish to—
 - (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.
- (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. Prescribed fees

- (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.
- (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. Invalid conditions by promoters

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.

11. Power to require incorporation of promoters

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.

12. Lotteries incidental to certain entertainments

- (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.
- (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. Private lotteries

- (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;

- (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. Offences by bodies corporate

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.

15. Powers of President and Minister

- (1) The Minister may, by statutory instrument, make regulations—
 - (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]