

CHAPTER 13.20

NATIONAL LOTTERIES AUTHORITY ACT

Revised Edition

Showing the law as at 31 December 2022

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• Act • Subsidiary Legislation •

ACT

(Act 27 of 1998 and Act 8 of 2005)

Act 27 of 1998 .. in force 31 December 1998

Amended by Act 8 of 2005 .. in force 31 January 2005

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CHAPTER 13.20
NATIONAL LOTTERIES AUTHORITY ACT

AN ACT to provide for the promotion and regulation of lotteries, pools and games of chance in Saint Lucia and for connected purposes.

Commencement [31 December 1998]

PART 1
PRELIMINARY

1. Short title

This Act may be cited as the National Lotteries Authority Act.

2. Interpretation

In this Act—

“**agent**” means any individual or body corporate contracted by the Authority to sell, service and market lottery products on behalf of the Authority;

“**Authority**” means the National Lotteries Authority established by section 3;

“**Board**” means the National Lotteries Board established by section 6;

“**chairperson**” means the chairperson of the Board and includes any person performing the functions of chairperson;

“**financial year**” means the period of 12 months commencing on 1 April and expiring on 31 March of the following year;

“**General Manager**” means the General Manager of the Authority appointed under section 14 and includes any person appointed to act as General Manager;

“**lottery**” means any scheme, method, game or device where money or money’s worth is distributed as prizes by lot or by chance;

“**member**” means a member of the Board and includes the chairperson and deputy chairperson;

“**Minister**” means the minister responsible for youth and sports.

PART 2
ESTABLISHMENT, CONSTITUTION, MANAGEMENT AND STAFF

3. Establishment of the Authority

(1) There is hereby established for the purposes of this Act the National Lotteries Authority.

(2) The Authority shall be a body corporate to which, subject to this Act, section 19 of the Interpretation Act applies.

4. Powers and duties of the Authority

(1) The Authority shall have power to carry out or provide for the operation of lotteries in Saint Lucia.

(2) Without prejudice to the generality of subsection (1) the Authority shall—

- (a) organise, provide, conduct and control the operation of lotteries in or outside Saint Lucia either alone or in conjunction with any other companies or organisations in or outside Saint Lucia or associate with any other company or organisation concerned with the business of lotteries;
- (b) carry on such forms of pool betting business as may be approved by the Minister;
- (c) make arrangements for the proper and prompt payment of prize monies payable under this Act;
- (d) promote and oversee public education related to lotteries, pools, betting and games of chance in collaboration with relevant government bodies;
- (e) advise the Minister on the development of all forms of games of chance in the State;
- (f) engage in any activity which is in its opinion necessary or conducive to the proper discharge of its functions.

(3) The Authority shall, in performing any of its functions under this Act, take such action as may be necessary and practicable to ensure that its revenues are 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.

(4) Subject to the provisions of this Act, the Authority 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.

5. Responsibility for operating lotteries

(1) The Authority shall be the body responsible for operating lotteries in Saint Lucia.

(2) Despite sub-section (1), Windward Islands Lottery Incorporated is authorised to conduct multi-island lottery games in Saint Lucia as approved by the Authority.

(3) The Authority shall on the advice of the Minister have the power to enter into management contracts with any other entity authorising that other entity to conduct lottery operations in Saint Lucia.

(4) Windward Islands Lottery Incorporated shall with the approval of the Authority have the power to enter into management contracts with any other entity authorising that other entity to conduct multi-island lottery games in Saint Lucia.

(Amended by Act 8 of 2005)

6. Administration of the Authority

(1) The Authority shall be administered by a Board which shall consist of not more than 7 members appointed by the Minister. *(Substituted by Act 8 of 2005)*

(2) Every member shall be appointed by the Minister for a period not exceeding 3 years and is eligible for re-appointment.

(3) The Minister shall appoint a chairperson and a deputy chairperson from amongst the members.

(4) Where a member is absent on account of illness or for any temporary cause or is temporarily absent from the State, the Minister may appoint some other person to act as a temporary member during the time such incapacity or absence continues.

(5) A member may at any time resign his or her office by instrument in writing addressed to the chairperson who shall cause it to be forwarded to the Minister.

(6) Where a person ceases to be a member for any reason, the Minister may appoint any member in his or her place for the duration of the time for which that person would have served.

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

(8) All appointments and termination of appointments to the Board shall be notified in the Gazette.

7. Meetings and procedure of the Board

(1) The Board 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 Board may determine.

(2) The chairperson may at any time call a special meeting of the Board and shall call a special meeting within 7 days of a requisition for that purpose addressed to him or her by any 3 members to consider the matters contained in such requisition.

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

(4) The chairperson, or in his or her absence the Deputy chairperson, shall preside at all meetings of the Board.

(5) The chairperson, or in his or her absence the Deputy chairperson, and 2 other members shall form a quorum.

(6) Where any member is disqualified from taking part in any deliberation or decision of the Board with respect to any matter, he or she shall be disregarded for the purposes of constituting a quorum for deliberating on or deciding that matter.

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

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

(9) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board but such person shall not have the right to vote.

(10) Subject to the provisions of this section, the Board has power to regulate its own proceedings.

8. Seal of the Board

(1) The seal of the Board shall be kept in the custody of the chairperson or of the General Manager and may be affixed to instruments by the General Manager under a resolution of the Board.

(2) The seal of the Board shall be authenticated by the signature of the chairperson or deputy chairperson and the General Manager, and such 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, and all decisions of the Board may be signified under the hand of the chairperson, or deputy chairperson or General Manager.

9. Service of notice

Service upon the Board of any notice, order or other documents shall be executed by delivering the same or by sending it by registered post addressed to the General Manager at the office of the Board.

10. Disclosure of interest

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

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

11. Appointment of committees

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

12. Power to delegate

Subject to the provisions of this Act the Board may delegate to any member or committee of the Board the power and authority to carry out on its behalf such duties as it may determine.

13. Remuneration of members and others

(1) There shall be paid from the funds of the Authority to the chairperson, deputy chairperson and other members such remuneration, fees or allowances as the Minister may determine.

(2) Where a person, other than a member serves on a committee appointed under section 11 or where any person is co-opted under the provisions of section 7(9), the Board may, with the approval of the Minister, agree for an allowance to be paid to such person, and such sum shall be payable to the person out of the funds and resources of the Board.

14. Appointment of General Manager

(1) Subject to the approval of the Minister, the Board shall appoint a General Manager on terms and conditions to be agreed upon.

(2) The General Manager is responsible for the day to day operations of the Board and must be present at all meetings of the Board in an *ex-officio* capacity unless he or she is required by the chairperson to withdraw from a meeting, has obtained leave of

absence from the chairperson or is incapacitated by illness or other cause from attending such meetings.

(3) In the event of the absence of the General Manager, the Board 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 such absence upon such terms and conditions as it may determine.

15. Appointment of officers and agents

(1) The Board 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 agents as it deems necessary for the proper carrying out of its functions under this Act.

(2) The Board shall appoint agents under a written contract in such locations as it may deem appropriate and the agents shall be responsible for selling and marketing lottery products and representing the Board in such locations.

(3) An agent shall perform such duties as may be assigned by the General Manager and shall be paid on a commission basis as determined by the Board.

16. Validity of acts of the Board

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 Board;
- (b) the contravention by any member of the provisions of section 10; or
- (c) any omission, defect or irregularity not affecting the merits of the case.

17. Protection of members

Personal liability shall not 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 in good faith for the purpose of carrying this Act into effect shall be paid out of the funds and resources of the Board.

18. Policy directions

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

(2) The Minister may direct that the principle of equitable geographical distribution be observed by the Authority in the application of its funds to youth and sports projects and programmes.

(3) In accordance with the Minister's directions the Board shall develop such specific policy guidelines as it may deem necessary and may circulate and disseminate such policies with the consent of the Minister.

PART 3 FINANCIAL PROVISIONS

19. Funds of the Authority

- (1) The funds and resources of the Authority shall consist of—

- (a) funds arising from the sale, lease, or other disposition of property vested in the Authority, or from the conduct of lotteries, pool business or any game of chance;
- (b) such sums as may be placed at its disposal by the House of Assembly;
- (c) funds arising from any source consequential upon the performance of its functions under this Act;
- (d) sums borrowed by the Board 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 Authority in respect of any matter incidental to its powers and duties.

(2) All sums referred to in subsection (1) shall be paid into and placed to the credit of one or more bank accounts approved by the Minister.

20. Borrowing powers

(1) Subject to the provisions of this Act the Authority 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 Authority 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 approval given 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.

21. Guarantee of borrowing by Board

(1) With the approval of Parliament the Minister of Finance may guarantee, in such manner and on such conditions as he or she may think fit the payment of the principal, interest and other charges on any authorised borrowing by the Authority.

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

(3) The Authority shall make to the Accountant General, at such times and in such manner as the Minister of Finance may direct—

- (a) payments of such amounts towards repayment of any sums issued in fulfilment of any guarantee given under this section;
- (b) payment of interest on what is outstanding for the time being in respect of any sums so issued at such rate as the Minister of Finance may direct, and different rates of interest may be directed as regards different sums and as regards interest for different periods.

22. Reserve Fund

The Authority shall with the consent of the Minister establish Reserve Funds for specific contingencies and these funds shall be dealt with and applied in accordance with their stated objectives or such objectives that may be deemed expedient by the Board with the consent of the Minister.

23. Application of funds

The funds of the Authority shall be applied for the purposes authorised by this Act and towards youth and sports projects and programmes approved by the Board with the consent of the Minister.

24. Accounts and audit

(1) The Authority shall keep proper books of account in which shall be recorded all its transactions to the satisfaction of the Minister and shall prepare and retain financial statements in respect of each financial year.

(2) The accounts of the Authority shall be audited in each financial year by an independent, qualified and experienced auditor appointed by the Authority and the Board, officers and staff of the Authority shall provide to the auditor all books, deeds, contracts, accounts, vouchers or other documents which he or she may deem necessary to call for.

(3) The auditor may require any person holding or accountable for any such document to appear before him or her and make a signed statement in relation thereto and may require from such person such information as he or she deems necessary.

(4) A person who, when required to do so, fails without reasonable excuse to—

- (a) produce a document;
- (b) enter an appearance;
- (c) make and sign a statement; or
- (d) furnish information,

commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months.

25. Auditor's report

The auditor appointed under section 24 shall as soon as practicable and not later than 3 months after the end of each financial year send copies of the audited financial statements and the report thereon to the Authority.

26. Report by Board

(1) The Board shall not later than 4 months after the expiration of the financial year submit to the minister a report containing—

- (a) an account of the activities of the Authority during the preceding financial year in such form as the Minister may direct;
- (b) the audited financial statements of the Authority done in accordance with the provisions of section 24.

(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 8 weeks of receipt thereof.

PART 4 MISCELLANEOUS AND GENERAL

27. Exemption from stamp duty and other charges

Despite the provisions of any law providing for the registration of documents or the payment of stamp duties, a certificate, receipt, instrument, or other document issued by the Authority shall not be subject to stamp duty, registration fee or any charge of a similar nature; nor is the Authority liable for the payment of any search or inspection fee in any registration office.

28. Income tax exemption

Despite anything contained in the Income Tax Act the income of the Authority is not liable to income tax.

29. Exemption from import duties

Despite the provisions of any law providing for the payment of customs duties and consumption taxes, equipment, software, advertising and promotional materials, stationery and ticket supplies imported by the Authority for the conduct of its operation is not liable to customs duties and consumption taxes.

30. Offences and penalties

(1) A person who—

- (a) obtains any sum from the Authority by means of any false representation;
- (b) wilfully applies any sum paid to him or her on behalf of the Authority for any purpose other than the purpose for which the sum was paid;
- (c) wilfully destroys any security ticket, coupon or document of the Authority, commits an offence and is liable on summary conviction to a fine of \$10,000 or to imprisonment for 2 years, or to both such fine and imprisonment.

(2) A person who promotes or conducts any lottery or pool betting game in Saint Lucia in contravention of section 5 commits an offence and is liable on summary conviction to a fine of \$50,000 or 10 years imprisonment or to both such fine and imprisonment.

(3) Where the offence under subsection (1) is committed by a body corporate every director or promoter of the body corporate unless he or she proves that the offence was committed without his or her knowledge commits the offence and is liable on summary conviction to a fine of \$50,000 or 10 years imprisonment or to both such fine and imprisonment.

31. Power to issue search warrant

(1) Where a magistrate is satisfied by information on oath that there is reasonable grounds to suspect that any premises are being used for the purpose of the commission of an offence under this Act, the magistrate may grant a warrant under his or her hand authorising a police officer to enter the said premises and to search for and seize and remove any documents, money or valuable things found on the premises which the officer has reasonable ground to suspect are on the premises to be used for the purpose of infringing the provisions of this Act.

(2) A person who wilfully prevents a police officer duly authorised in that behalf, from entering any premises suspected of being used for the purpose of the commission of an offence under this Act, or uses any means or contrivance whatsoever for the purpose of preventing, obstructing or delaying the entry of such officer into such premises commits an offence and is liable on conviction summarily, to a fine of \$10,000 or to imprisonment for 2 years or to both such fine and imprisonment.

32. Minutes received in evidence

Any minutes made of meetings of the Authority, if purporting to be duly signed by the chairperson or deputy chairperson, is receivable in evidence in all legal proceedings without further proof and every meeting of the Authority 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.

33. Expiry of ticket and unclaimed prizes

(1) Where a winning ticket is not redeemed and the prize collected within 90 days of the draw or the declared closing date for a game which produced the win, such ticket shall be considered void and irredeemable and the Authority shall be under no obligation whatsoever to honour it.

(2) All prizes unclaimed after 90 days shall be transferred to a special account titled the UNCLAIMED PRIZES ACCOUNT and these funds shall be used primarily to finance youth and sports programmes and projects, player incentives and other community oriented promotions as determined by the Authority.

34. Regulations

The Minister may make regulations generally for the proper carrying out of the provisions 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 monies payable under this Act;
- (b) prescribing the procedures whereby a bearer of a winning ticket will be entitled to receive prize money;
- (c) prescribing the form of any ticket, notice, coupon or other document authorising or required by this Act to be issued or served;
- (d) prescribing any other matter or anything which may be, or is required by this Act to be prescribed;
- (e) for the control and discipline of staff employed under this Act.

CHAPTER 13.20 NATIONAL LOTTERIES AUTHORITY ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. National Lotteries Authority (Trou Sallee) Vesting Order – Section 19(1)(a)
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National Lotteries Authority (Trou Sallee) Vesting Order – Section 19(1)(a)

(Statutory Instrument 134/2001)

Statutory Instrument 90/2001 .. in force 6 October 2001 (Revoked by S.I. 134/2001)

Statutory Instrument 134/2001 .. in force 17 November 2001 (Revokes S.I. 90/2001)

NATIONAL LOTTERIES AUTHORITY (TROU SALLEE) VESTING ORDER – SECTION 19(1)(a)

Commencement [17 November 2001]

1. Citation

This Order may be cited as the National Lotteries Authority (Trou Sallee) Vesting Order.

2. Vesting of LandS

The lands described in the Schedules, being land owned by the Crown are hereby vested in the National Lotteries Authority.

3. Revocation

The National Lotteries Authority (Trou Sallee) Vesting Order, Statutory Instrument No. 90 of 2001 is revoked.

First Schedule

All that parcels of land known as Parcel Nos. 113, 114, 115, and 675 of Block 1455B situate at Trou Sallee in the Registration Quarter of Gros Islet and being bounded as follows:

North : by Ravine Trou Sallee
South : by the Trou Sallee Road
East : by Parcel 1455B 815
West : by Parcel 1455B 112 and 267

The whole containing 17.02 acres or 6.89 hectares as shown on Plan of Survey by Vincent Jn Baptiste Senior Surveyor dated 29th January, 1999 and lodged in the Survey Office on 12th February, 1999, as Plan Number GI 4058K and Record Number 70/1999.

Second Schedule

All that piece or parcel of land known as parcel No. 815 of Block 1455B situate at Trou Sallee in the Registration Quarter of Gros Islet and being bounded as follows:

North : by Ravine Trou Sallee and an access road
South : by the Trou Sallee Road
East : by Parcel 1455B 816
West : by Parcel 1455B 675

The whole containing 5.21 acres or 2.11 hectares as shown on Plan of survey by Vincent Jn Batiste Senior Surveyor and Brian Philgence Survey Technician dated 9th August, 2000 and lodged in the Survey Office on the 7th September 2000 as Plan Number GI 4326 B and Record Number 499/2000.
