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YECISKEI**

**REPUBLIC OF  
CISKEI**

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GAZETTE**

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<p><b>ISEBE LEMALI NOPHULISO LOQQQOSHO</b></p> <p><b>ISAZISO SIKARHULUMENTE SE-46</b></p> <p><b>NGOKWENJENJE KUYAZISWA UKUBA UMONGAMELI UWUVUMILE UMTHETHO OLANDELAYO NOBHENGE- ZWAYO APHA KUSAZISWA ULUNTU NGOKUBANZI:-</b></p> <p><b>UMTHETHO WEELOTHARI ZOMBUSO, 1984</b></p> <p><b>UMTHETHO NOMBOLO 14 WOVE-1984</b></p>			<p><b>DEPARTMENT OF FINANCE AND ECONOMIC DEVELOPMENT</b></p> <p><b>GOVERNMENT NOTICE No. 46</b></p> <p><b>IT IS HEREBY NOTIFIED THAT THE PRESIDENT HAS ASSENTED TO THE FOLLOWING ACT WHICH IS HEREBY PUBLISHED FOR GENERAL INFORMATION:-</b></p> <p><b><u>STATE LOTTERIES ACT, 1984</u></b></p> <p><b>ACT NO. 14 OF 1984</b></p>		



UMTHETHO

Elungiselela ukuba uMbuso ube neelothari nokumisela iinjongo ezinokuthi iingeniso zezo lothari zisetye-  
niziselwe zona nokulungiselela imicimbi ezalwa koko.

(Okubhalwe ngesiNgesi kusayinwe nguMongameli. Kuvunywe ngomhla we-13 Julayi 1984.)

MAKWENZIWE UMTHETHO yiNdlu yeNdibano yeSizwe yeRiphabliki yeCiskei, ngolu hlobo lulandelayo:—

*lingcaciso-magama.*

1. Kulo Mthetho, ngaphandle kokuba ingxam ibonisa ngenye indlela —  
 "I-Akhawunti yoLawulo" kuthethwa iAkhawunti yoLawulo yeeLothari zoMbuso ekusingiselwe kuzo  
 kwicandelo 6 (1) (a);  
 "UMlawuli" kuthethwa uMlawuli weeLothari zoMbuso owalathelwe phantsi kwecandelo 3 (1) yaye  
 kubandakanywa nawuphina uMlawuli obambelayo;  
 "I-Akhawunti yoLwabiwo" kuthethwa iAkhawunti yoLwahlulo-hlulo yeeLothari zoMbuso ekusingise-  
 lwe kuyo kwicandelo 6 (1) (b);  
 "I-Akhawunti zokugqibela" kuthethwa iAkhawunti yengeniso neyenkcitho yaloo nyaka-mali uchapha-  
 zelekayo kunye nephepha lomncono ekupheleni kwalo nyaka-mali;  
 "Unyaka-mali" kuthethwa unyaka-mali omiselwe kwicandelo 6 (6);  
 "ILOthari" kuthethwa iLothari yoMbuso ephahliswa neqhutywa ngokwemigaqo yalo Mthetho;  
 "UMphathiswa" kuthethwa uMphathiswa weMali noPhuhliso loQoqosho yaye kubandakanywa naliphi-  
 na igosa eliphezulu kwisebe lakhe elisebenza phantsi kwegunya elibhaliweyo lakhe;  
 "Itikiti" kuthethwa itikiti kwilothari;  
 "UMgciniswa" kuthethwa nawuphina umntu owalathelwe njengophathisiweyo kwiAkhawunti yoLwa-  
 hlulo-hlulo ngokwecandelo 9.

*Ukugunyaziswa kwee-  
Lothari zoMbuso.*

2. (1) Nakubeni kungakho nantonina equlathwe kuMthetho woBhejo ngeMali, 1982 (uMthetho 23  
wowe 1982) koko kulawula amalungiselelo alo Mthetho, kuya kuba semthethweni kuMphathiswa,  
njengoko emele uMbuso, ukuba aqhube aze aphuhlise iilothari zoMbuso.
- (2) Ekusebenziseni kwakhe amagunya akhe phantsi kwecandelwana (1) uMphathiswa angenza zonke  
ezo zinto aze anike yonke loo miyalelo njengoko, ngokokubona kwakhe, iyimfuneko ekufezeki-  
sweni kweenjongo neembono zalo Mthetho yaye angathi *inter alia* aqingqe —  
 (a) Inani nohlobo leelothari ezinokubakho kumaxesha ngamaxesha;  
 (b) Inani nobungakanani bamabhaso amakaphunyelelwe kwilothari nganye;  
 (c) Ukwenziwa nenani lamatikiti amakasetyenziswe kwilothari nganye;  
 (d) Indlela yokuthabatha inxaxheba kuyo nayiphina ilothari nendlela ekungaphunyelelwa ngayo  
 naliphina ibhaso;  
 (e) Ixabiso lontengiso lamatikiti kuyo nayiphina ilothari neendawo namathuba neeyure ekuno-  
 kuthi ngazo amatikiti athengiswe kuyo nayiphina ilothari;  
 (f) Indlela ekuya kupapashwa ngayo ubunini belothari;  
 (g) Ikhomishini okanye esinye isibonelelo abaya kuthi abathengisi bamatikiti babe nelungelo  
 kuso nesiseko aya kuthi amatikiti abe nokufumaneka kwabo bathengisi;  
 (h) Indlela ekuya kubangwa ngayo nawaphina amabhaso;  
 (i) Indlela yokuhlalulwa kwalo naliphina ibhaso nokuba loo ntlawulo yenziwe ngoko nangoko  
 okanye ngalo naliphina elinye ixesha nendlela yokubuyekeza nawuphina umthengisi wetikiti  
 owenze intlawulo yalo naliphina ibhaso;  
 (j) Indlela amabhaso angabangangwa, ukuba akho, ekuya kusetyenzwa ngawo;  
 (k) Inkqubo emayilandelwe ekwenzeni ingxelo ngamatikiti athengisiweyo namatikiti angathengi-  
 swanga, ukuba akho; kananjalo  
 (l) Indlela yokusombulula inkohla yalo naliphina ibhaso ekuthe kwakho imbambano ngalo.
- (3) Ukulungiselela icandelwana (1) uMphathiswa anganika iAkhawunti yoLawulo, ethatha kwiimali  
ezabelwe oko yiNdlu yeNdibano yeSizwe, iimali ezaneleyo zokuhlangabezana neendleko zokuqala  
eziya kufunyanwa ekwenziweni kwamalungiselelo alo Mthetho nayo nayiphina enye inkcitho  
enokuba yimfuneko de kusekwe ilothari.
- (4) Nakubeni kungakho amalungiselelo oMthetho woBhejo ngeMali, 1982 akusayi kufaneleka iSigqeba  
sikaMongameli ukuba sikhuphele ilayisenisi yelothari phantsi kwaloo Mthetho nawuphina umntu  
kuwo nawuphina unyaka ekuqhutywa ngawo ilothari nguMphathiswa phantsi kwalo Mthetho.

*Ukwalathelwa kwe-  
stafu solawulo.*

3. (1) UMphathiswa uya kwalathela umntu ofanelekileyo nolungileyo, oya kwaziwa njengoMlawuli  
weeLothari zoMbuso, ukuze aphumeze amalungiselelo alo Mthetho yaye angathi, kumaxesha  
ngamaxesha, alathele abanye abantu bokuncedisa uMlawuli ekwenzeni kwakhe imisebenzi yakhe,  
nokuba basisigxina okanye ngabexeshana.

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- (2) Ngaphandle kokuba umntu phantsi kwecandelwana (1) ligosa okanye ngumqeshwa kwinkonzo yobuRhulumente, amalungiselelo oMthetho weNkonzo yobuRhulumente, 1981 (uMthetho 2 wowe-1981) awayi kusebenza kuye yaye neemeko zenkonzo yakhe ziya kuba njengoko zimiselwe nguMphathiswa ngamaxesha ngamaxesha koko noko kunjalo kulawula imigaqo yayo nayiphina ikontraki yengqesho ekungenwe kuyo nguloo mntu noRhulumente.
- (3) Ngethuba lokungabikho emsebenzini kukaMlawuli uMphathiswa angalathela uMlawuli obambeleyo.
- (4) Intlawulo nezibonelelo zabantu abalathelwe phantsi kwecandelwana (1), abangamagosa okanye abaqeshwa benkonzo yobuRhulumente, ziya kuthatyathwa kwiNgxowa-mali yeNgeniso yeCiskei eziya kubuyekizwa yiAkhawunti yoLawulo.

*Ukunqunyanyiswa kweenkonzo zestafu solawulo.*

4. Umlawuli naye nawuphina omnye umntu owalathelwe phantsi kwecandelo 3 (1) ongelilo igosa okanye umqeshwa kwinkonzo yobuRhulumente usenakho ukuba angakhutshwa emsebenzini okanye esikhu-ndleni sakhe nguMphathiswa –
  - (a) ngenxa yokugula okungayekiyo;
  - (b) ngenxa yokungalungi emsebenzini wakhe okanye ukungakwazi kwakhe ukuwenza ngokufaneleki-leyo;
  - (c) ngenxa yokufunyaniswa enetyala lalo naluphina ulwaphulo-mthetho olunxulumene nokunganya-niseki okanye athe ngalo wagwetyelwa ukuvalelwa entolongweni ngaphandle kwefayini; okanye
  - (d) ngenxa yentswela kuziphatha.

*Imisebenzi yoMlawuli.*

5. Umlawuli uya kuthi phantsi komyalelo nolawulo loMphathiswa kananjalo ngenye indlela elawulwa ngamalungiselelo alo Mthetho –
  - (a) aphumeze lo Mthetho aze aqinisekise ukuba zonke iilothari ziphuhliswa yaye ziqhutywa ngoku-fanelekileyo nangokulungileyo;
  - (b) abe nolawulo kululeko nobulolunye uhlobo kubantu abalathelwe ukuba bamncedise phantsi kwecandelo 3 (1);
  - (c) ibe ngumsebenzi wakhe ukukhetha nokwalathela abathengisi bamatikiti aze abe nolo lawulo kwabo bathengisi njengoko enokubona kufanelekile;
  - (d) alawule aze aphahe iAkhawunti yoLawulo neAkhawunti yoLwabiwo; kananjalo
  - (e) enze zonke ezo zinto zizezinye zimiselwe ngulo Mthetho okanye eziyimfuneko ekufezeni iinjongo neembono zawo.

*IiAkhawunti ezithile emazivulwe.*

6. (1) Umlawuli uya kuthi ngexesha elifanelekileyo avule kwiziko lebhanki elivunye nguMphathiswa –
  - (a) iAkhawunti yoLawulo yeeLothari zoMbuso; kunye
  - (b) iAkhawunti yoLwabiwo yeeLothari zoMbuso.
- (2) Kuya kuhlalulwa kwiAkhawunti yoLawulo –
  - (a) ingeniso yentengiso yamatikiti kuyo nayiphina ilothari;
  - (b) nayiphina inzala efunyenwe kulo naluphina utyalo-mali olwenziwe egameni leAkhawunti yoLawulo phantsi kwecandelo (5);
  - (c) nayiphina imali-sikhokeliso eyenziwe kwiAkhawunti yoLawulo ngokwecandelo 2 (3); kana-njalo
  - (d) naziphina ezinye iimali iAkhawunti yoLawulo enokuba nelungelo kuzo.
- (3) Kuya kuhlalulwa kwiAkhawunti yoLwabiwo kumaxesha ngamaxesha –
  - (a) kuthathwa kwiAkhawunti yoLawulo –
    - (i) izixa-mali ezifunelwa ukuhlangabezana neendleko zokuphathwa kweAkhawunti yo-Lwabiwo;
    - (ii) izixa-mali eziyimfuneko ekuhlalulweni nawuphina oPhathisiweyo izibonelelo ekusingise-lwe kuzo kwicandelo 9 (4);
    - (iii) ezo zixa-mali zinokuthi ngokoluvo loMphathiswa kufanele ukuba zitshintshwe ukusuka kwiAkhawunti yoLawulo ziye kwiAkhawunti yoLwabiwo khon'ukuze zibe nokufuma-neka ukuze kusetyenzwe ngazo ngabagciniswa ngokwecandelo 9 emva kokuba zonke iindleko nolwabiwo olubizwa ngokufanelekileyo nangokulungileyo ukulungiselela uku-phathwa kweAkhawunti yoLawulo ziye zahlangatyezwa okanye zalungiselelwa; kananjalo
  - (b) nayiphina inzala efunyenwe kulo naluphina utyalo-mali olwenziwe egameni leAkhawunti yoLwabiwo ngokwecandelwana (5).
- (4) Umlawuli uya kwenza ukuba kugcinwe iincwadi neerekhodi ezifanelekileyo zazo zonke iimali ezifunyenwe okanye ezichithwe yiAkhawunti yoLawulo neAkhawunti yoLwabiwo yaye ezo

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ncwadi nezo rekhodi, ndawonye neeAkhawunti ezixeliweyo, ziya kuphicothwa nguMphicothi-zincwadi Jikelele oya kufaka ezo Akhawunti kwingxelo yonyaka yakhe kwiNdlu yeNdibano yeSizwe.

- (5) Nawuphina umncono okwiAkhawunti yoLawulo ogqithileyo kwimfuno zelo xesha nawo nawuphina umncono okwiAkhawunti yoLwabiwo oshiyake ungasetyenziswanga ngabagciniswa uya kutyalwa nguMlawuli ngelo thuba nakwelo ziko lebhanki okanye elithatha idiphozithi linokuvunywa nguMphathiswa.
- (6) Unyaka-mali weAkhawunti yoLawulo neAkhawunti yoLwabiwo uya kuqalisa ngosuku lokuqala lukaEpreli ukuya kusuku lamashumi amathathu ananye kuMatshi wonyaka olandelayo.
- (7) Nawuphina umncono ongalindelekanga weAkhawunti yoLawulo neAkhawunti yoLwabiwo eku-pheleni kwawo nawuphina unyaka-mali uya kugqithiselwa phambili ufakwe njengekredithi kwezo akhawunti kunyaka-mali olandelayo.

*Ukusetyenziswa kwe-Akhawunti yoLawulo.*

7. (1) I Akhawunti yoLawulo iya kuthi, kulawula amalungiselelo alo Mthetho, ibe phantsi kolawulo lo-Mlawuli yaye imali zayo ziya kusetyenziswa nguMlawuli —
  - (a) ukuhlangabezana nendleko zokuqhuba nokuphuhlisa nayiphina ilothari, kubandakanywa nokuhlawulwa kwekhomishini okanye esinye isibonelelo kubathengisi bamatikiti kuloo lothari;
  - (b) ukuhlawula amabhaso kuyo nayiphina ilothari;
  - (c) ukuhlawula zonke iinkcitho ezithi zivele okanye ezizalwa kukusetyenziswa nokuphunyezwa kwamalungiselelo alo Mthetho;
  - (d) ukubuyisela eso sixa-mali sayo nayiphina imali-sikhokelo iye kwiAkhawunti yoLawulo ngokwecandelo 2 (3) njengoko uMphathiswa enokumisela;
  - (e) ukubuyikeza kwi Ngxowa-mali yeNgeniso yeCiskei ngokuphathelele kwimivuzo nezibonelelo ekusingiselwe kuzo kwicandelo 3 (4), kananjalo
  - (f) ukuhlawulwa kwayo nayiphina enye inkcitho eyenziwe ngokusemthethweni nguMlawuli ngokunxulumene nokuqhutywa kwayo nayiphina ilothari.
- (2) (a) Ngaphandle kwangegunya elibhaliweyo loMphathiswa akukho nkcitho, ngele kwenkcitho evela ekuhlawulweni kwamabhaso kwilothari okanye evela ekuhlawulweni kwekhomishini kubathengisi bamatikiti kwilothari, enokwenziwa nguMlawuli ethatha kwiAkhawunti yoLawulo ngaphandle kokuba kwenziwe ilungiselelo lalo nkcitho kwibhajethi evunywe nguMphathiswa.
- (b) Akukho nkcitho ngaphaya kwezixa-mali ezivunywe njalo phantsi kweentloko eziphambili zebhajethi ziya kufunyanwa okanye zenziwe ngaphandle kwemvume yangaphambili yoMphathiswa.

*I Akhawunti yoLwabiwo.*

8. Iimali zeAkhawunti yoLwabiwo ziya kuthi, emva kokuba kwenziwe ilungiselelo lokuhlangabezana neendleko zokusetyenziswa kwalo Akhawunti nezibonelelo ekusingiselwe kuzo kwicandelo 9 (4), zisetyenziswe ngokokubona kwabagciniswa kuphela ukulungiselela ukuphucula imfundo, ukwenziwa nokuphuculwa kweenkonzo zentlalo nezempilo, ukuphuculwa kwentlalo-ntle yoluntu nokuthothiswa kweentlupheko: Phantsi kwento ethi imisebenzi yabaPhathisiweyo ayiyi kuthi nangaliphina ixesha idlule imali ekhoyo ukuba yabiwe kwiAkhawunti yoLwabiwo.

*Abagciniswa beAkhawunti yoLwabiwo.*

9. (1) Ngeenjongo zecandelo 8 uMongameli uya kwalathela abantu abangaBagciniswa abangekho ngaphantsi kwesine nabantu abangekho ngaphezulu kwesixhenxe abamsebenzi wabo iya kuba kukumcela kumaxesha ngamaxesha indlela ekuya kuthi ngayo nabantu okanye imibutho eziya kuthi imali ezikhoyo ukuba zabiwe kwiAkhawunti yoLwabiwo zikhutshwe nguMlawuli.
- (2) UMgciniswa uya kubamba isikhundla isithuba esingako, esingekho ngaphantsi konyaka okanye ngaphezulu kweminyaka emine, njengoko uMongameli eya kumisela xa esalathela, kodwa uya kuthi noko kunjalo abambe isithuba ngokuthanda kukaMongameli.
- (3) Ekupheleni kwethuba lokubamba isikhundla kwakhe nawuphina uMgciniswa uya kuba nakho ukuba angaphinda alathelwe: Phantsi kwento ethi akukho Mgciniswa uya kubamba isikhundla ithuba elingaphukanga elingaphezulu kweminyaka esixhenxe.
- (4) UMgciniswa akayi kufumana mvuzo ngeenkonzo zakhe kodwa nawuphina uMgciniswa ongaqeshwanga isigxina kuRhulumente okanye ilungu leSigqeba esiLawulayo uya kuhlawulwa kwiAkhawunti yoLwabiwo ezo zibonelelo neenkxaso anokuthi uMphathiswa kumaxesha ngamaxesha azimisele.



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- (5) Kuya kufaneleka kubagciniswa ukuba bacele uMlawuli ukuba enze olo phando nemibuzo egameni labo njengoko benokubona kuyimfuneko ukuze bayenze kakuhle imisebenzi yabo yaye uMlawuli uya kusisabela eso sicelo.
- (6) UMlawuli uya kuziya zonke intlanganiso zabagciniswa yaye uya kuthi -
  - (a) enze ukuba kugcinwe iiminithi zazo zonke ezo ntlanganiso;
  - (b) enze kusebenze zonke izigqibo nezimiselo zabagciniswa eziphakathi kwemida yokusebenza kwabo ngokusemthethweni.

*IiAkhawunti zokugqibela zeeAkhawunti zoLwabiwo nezoLawulo nengxelo yonyaka mayingeniswe kuMphathiswa.*

10. Zingadlulanga iinyanga ezine emva kokuphela konyaka-mali uMlawuli uya kungenisa kuMphathiswa iiAkhawunti zemali eziphicothiweyo zeAkhawunti yoLawulo neAkhawunti yoLwabiwo, ngokunjalo nengxelo ebhaliweyo yemisebenzi yeofisi yakhe ngonyaka-mali ekuthethwa ngawo.

*Amalungiselelo ngokuphathelele kumabhaso.*

11. (1) Onke amabhaso kwilothari aya kuhlalulwa ngemali esetyenziswa kwiRiphabliki yeCiskei.
- (2) Ukuba nayiphina imali elibhaso imele kuhlalulwa kumntu oselula oneminyaka okanye ongaphezulu ngobudala kwiminyaka elishumi elinesibhozo, loo mntu ulula angathi ngaphandle kwemvume yomgcini wakhe aphumeze onke amaxwebhu ayimfuneko aze anike zonke iimvume eziyimfuneko ngokuphathelele koko.
- (3) Ukuhlalulwa *bona fide* kwayo nayiphina imali elibhaso kuya kuthi, nokuba kwenziwa kubanina, kuwukhulule uMbuso naye nawuphina umntu ethe intlawulo enjalo yenziwa nguye kubo bonke ubutyala ngokuphathelele kulo ntlawulo nakubeni kungakho nakuphina ukufoja, ukukhohlisa, impazamo, intswela-nkathalo, ukulahleka okanye ukulibaziseka okunokuba kwenziwe okanye kunokuba kwenzeke ngokuphathelele koko.

*Ulwaphulo-Mthetho nesohlwayo.*

12. Nawuphina umntu othengisa itikiti kwilothari kuye nawuphina omnye umntu obonakala engaphantsi kobudala beminyaka elishumi elinesibhozo uya kuba netyala lokwaphula umthetho yaye ekufunyanisweni kwakhe enetyala kuya kufanela ukuba ahlawule ifayini engekho ngaphezulu kweerandi ezingamakhulu amahlanu okanye ukuvalelwa entolongweni ithuba elingekho ngaphezulu kweenyanga ezintandathu.

*Imigaqo.*

13. (1) UMphathiswa angenza imigaqo emisela nawuphina umcimbi ngokoluvo lwakhe kuyimfuneko okanye kufanelekile ukuba awumisele ukuze kufezekiswe injongo neembono zalo Mthetho.
- (2) Nawuphina umgaqo onjalo ungamisa izohlwayo zakho nakuphina ukutyeshelwa koko ezingadlulanga kwizohlwayo ezimiselwe kwicandelo 12.

*Ukwabiwa kwamagunya.*

14. UMphathiswa angathi abhale ngesandla sakhe abele uMlawuli nawuphina kumagunya okanye imisebenzi enikwe yena licandelo 2 (2) yaye angathi nangaliphina ixesha kwangolo hlobo aluyekise naluphina ulwabiwo olunjalo.

*Ukuqinisekiswa kwenkcitho-mali ethile.*

15. Naziphina iimali ezitsalwe kwiNgxowa-mali yeNgeniso yeCiskei phambi kokuqalisa kwalo Mthetho liSebe loMphathiswa ukuhlangabezana nenkcitho ngokunxulumene nokusekwa kwelothari kuya kuthathwa ngokuba zitsalwe phantsi kolwabiwo olwenziwe ngokufanelekileyo yiNdlu yeNdibano yeSizwe: Phantsi kwento ethi iimali ezitsalwe ngolo hlobo okanye inxenye enjalo yoko njengoko uMphathiswa enokumisela iya kubuyiswa ngokungathi beziyimali-sikhokeliso eyenziwe kwiAkhawunti yoLawulo ngokwecandelo 2 (3).

*Intloko emfutshane nokuqalisa.*

16. Lo Mthetho uya kubizwa ngokuba nguMthetho weeLothari zoMbuso, 1984 yaye uya kuthathwa ngokuba uqalise ukusebenza ngomhla woku-1 kuEpreli 1984.

# STATE LOTTERIES ACT, 1984

## A C T

To provide for the holding of lotteries by the State and to prescribe the purposes for which the proceeds of such lotteries may be utilised and to provide for incidental matters.

(English text signed by the President. Assented to on 13 July 1984.)

*BE IT ENACTED by the National Assembly of the Republic of Ciskei, as follows:—*

### Definitions.

1. In this Act, unless the context otherwise indicates —
  - "Administration Account" means the State Lotteries Administration Account referred to in section 6 (1) (a);
  - "Director" means the Director of State Lotteries appointed under section 3 (1) and includes any acting Director;
  - "Distribution Account" means the State Lotteries Distribution Account referred to in section 6 (1) (b);
  - "final accounts" means an income and expenditure account for the financial year concerned and a balance sheet as at the end of that financial year;
  - "financial year" means the financial year prescribed in section 6 (6);
  - "lottery" means a State lottery promoted and conducted in terms of this Act;
  - "Minister" means the Minister of Finance and Economic Development and includes any senior officer in his department acting under his written authority;
  - "ticket" means a ticket in a lottery;
  - "Trustee" means any person appointed as a Trustee of the Distribution Account in terms of section 9.

### Authorization of State lotteries.

2. (1) Notwithstanding anything contained in the Gambling Act, 1982 (Act 23 of 1982) but subject to the provisions of this Act, it shall be lawful for the Minister, as representing the State, to conduct and to promote State lotteries.
- (2) In the exercise of his powers under subsection (1) the Minister may do all such things and give all such directions as, in his opinion, are necessary for the achievement of the aims and objects of this Act and may *inter alia* determine —
  - (a) the number and nature of lotteries to be held from time to time;
  - (b) the number and the amount of the prizes to be won in each lottery;
  - (c) the design and number of the tickets to be used in each lottery;
  - (d) the method of participation in any lottery and the manner in which any prize may be won;
  - (e) the selling price of the tickets in any lottery and the places at which and the period and hours during which the tickets in any particular lottery may be sold;
  - (f) the manner in which the holding of a lottery shall be advertised;
  - (g) the commission or other consideration to which the sellers of tickets shall be entitled and the basis on which tickets may be made available to such sellers;
  - (h) the manner in which any prize shall be claimed;
  - (i) the manner of payment of any prize whether such payment is made forthwith or at any other time and the manner of reimbursement of any seller of a ticket who has made payment of any prize;
  - (j) the manner in which unclaimed prizes, if any, shall be dealt with;
  - (k) the procedure to be followed in accounting for tickets sold and for tickets unsold, if any; and
  - (l) the manner of disposal of any prize concerning which a dispute has arisen.
- (3) For the purposes of subsection (1) the Minister may advance to the Administration Account, from moneys appropriated by the National Assembly for the purpose, sufficient moneys to meet preliminary expenses to be incurred in the carrying out of the provisions of this Act and any other expenditure which may become necessary pending the establishment of a lottery.
- (4) Notwithstanding the provisions of the Gambling Act, 1982 it shall not be competent for the President-in-Council to grant a lottery licence under that Act to any person in any year in which a lottery is being conducted by the Minister under this Act.

### Appointment of administrative staff.

3. (1) The Minister shall appoint a fit and proper person, who shall be known as the Director of State Lotteries, to administer the provisions of this Act and may, from time to time, appoint other persons to assist the Director in the discharge of his duties, whether in a full-time or a part-time capacity.
- (2) Unless a person appointed under subsection (1) is an officer or employee in the public service, the provisions of the Public Service Act, 1981 (Act 2 of 1981) shall not apply to him and his conditions of service shall be as determined by the Minister from time to time but subject nevertheless

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to the terms of any contract of employment entered into between such person and the Government.

- (3) During the temporary absence from duty of the Director, the Minister may appoint an acting Director.
- (4) The remuneration and the allowances of the persons appointed under subsection (1), who are officers or employees in the public service, shall be paid out of the Ciskeian Revenue Fund which shall be reimbursed from the Administration Account.

*Termination of services of administrative staff.*

4. The Director and any other person appointed under section 3 (1) who is not an officer or employee in the public service shall be liable to be discharged from his office or post by the Minister –
  - (a) on account of continued ill-health;
  - (b) on account of unfitness for his duties or his incapacity to carry them out efficiently;
  - (c) on the grounds of his conviction for any offence which involves dishonesty or for which he is sentenced to imprisonment without the option of a fine; or
  - (d) on account of misconduct.

*Functions of Director.*

5. The Director shall under the direction and control of the Minister and otherwise subject to the provisions of this Act –
  - (a) administer this Act and ensure that every lottery is adequately and properly promoted and conducted;
  - (b) exercise disciplinary and other control over the persons appointed to assist him under section 3 (1);
  - (c) be responsible for the selection and appointment of sellers of tickets and exercise such supervision over such sellers as he may deem necessary;
  - (d) administer and control the Administration Account and the Distribution Account; and
  - (e) do all such other things as are prescribed by this Act or which are necessary for the attainment of its aims and objects.

*Certain accounts to be opened.*

6. (1) The Director shall at the appropriate time open at a banking institution approved by the Minister –
  - (a) a State Lotteries Administration Account; and
  - (b) a State Lotteries Distribution Account.
- (2) There shall be paid into the Administration Account –
  - (a) the proceeds of the sale of tickets in any lottery;
  - (b) any interest derived from any investment made on behalf of the Administration Account under subsection (5);
  - (c) any advance made to the Administration Account in terms of section 2 (3); and
  - (d) any other moneys to which the Administration Account may become entitled.
- (3) There shall be paid into the Distribution Account from time to time –
  - (a) from the Administration Account –
    - (i) the amounts required to meet the cost of administering the Distribution Account;
    - (ii) the amounts which are necessary for the payment of any Trustee of the allowances referred to in section 9 (4);
    - (iii) such amounts as in the opinion of the Minister ought to be transferred from the Administration Account to the Distribution Account so as to be available for disposal by the Trustees in terms of section 9 after all costs and appropriations reasonably and properly chargeable for the administration of the Administration Account have been met or provided for; and
  - (b) any interest derived from any investment made on behalf of the Distribution Account in terms of subsection (5).
- (4) The Director shall cause proper books and records to be kept of all moneys received or expended by the Administration Account and the Distribution Account and such books and records, as well as the said Accounts, shall be audited by the Auditor-General who shall embody such Accounts in his annual report to the National Assembly.
- (5) Any balance in the Administration Account which is in excess of current requirements and any balance in the Distribution Account which remains undisposed of by the Trustees shall be invested by the Director for such period and at such banking or other deposit-receiving institution as may be approved by the Minister.

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- (6) The financial year of the Administration Account and the Distribution Account shall be from the first day of April to the thirty-first day of March of the next succeeding year.
- (7) Any unexpended balance in the Administration Account and the Distribution Account at the close of any financial year shall be carried forward as a credit in those accounts to the next succeeding financial year.

*Application of Administration Account.*

7. (1) The Administration Account shall, subject to the provisions of this Act, be under the control of the Director and its funds shall be applied by the Director —
  - (a) to meet the costs of conducting and promoting any lottery, including the payment of commission or other consideration to the sellers of tickets in such lottery;
  - (b) to the payment of the prizes in any lottery;
  - (c) to the payment of all expenses otherwise arising from or incidental to the application and administration of the provisions of this Act;
  - (d) to the refund of such amount of any advance to the Administration Account in terms of section 2 (3) as the Minister may determine;
  - (e) to the reimbursement of the Ciskeian Revenue Fund in respect of the remuneration and allowances contemplated in section 3 (4); and
  - (f) to the payment of any other expenditure lawfully incurred by the Director in connection with the conducting of any lottery.
- (2) (a) Except with the authority in writing of the Minister no expenditure, other than expenditure arising from the payment of prizes in a lottery or resulting from the payment of commission to the sellers of tickets in a lottery, may be incurred by the Director as a charge to the Administration Account unless provision for such expenditure has been made in a budget which has been approved by the Minister.
- (b) No expenditure in excess of the amounts so approved under the main budget heads shall be committed or incurred without the prior permission of the Minister.

*Distribution Account.*

8. The funds of the Distribution Account shall, after provision has been made to meet the costs of administration of such Account and the allowances referred to in section 9 (4), be applied at the sole discretion of the Trustees to the advancement of education, the provision and improvement of social and health services, the promotion of public welfare and the relief of distress: Provided that the commitments of the Trustees shall at no time exceed the amount which is available for distribution in the Distribution Account.

*Trustees of Distribution Account.*

9. (1) For the purposes of section 8 the President shall appoint not less than four and not more than seven persons as Trustees whose function it shall be to determine from time to time the manner in which and the persons or bodies to whom any funds which are available for distribution in the Distribution Account shall be paid out by the Director.
- (2) A Trustee shall hold office for such period, not being less than one year or more than four years, as the President may determine when making the appointment, but shall nevertheless hold office at the pleasure of the President.
- (3) Upon the expiry of the period of office of any Trustee he shall be eligible for reappointment: Provided that no Trustee shall hold office for a continuous period of longer than seven years.
- (4) A Trustee shall receive no remuneration for his services but any Trustee who is not in the full-time employment of the Government or a member of the Executive Council shall be paid out of the Distribution Account such travelling and subsistence allowances as the Minister may from time to time determine.
- (5) It shall be competent for the Trustees to request the Director to make such investigations and enquiries on their behalf as they may deem necessary for the proper discharge of their functions and the Director shall comply with any such request.
- (6) The Director shall attend all meetings of the Trustees and shall —
  - (a) cause minutes to be kept of all such meetings;
  - (b) give effect to all decisions or determinations of the Trustees falling within their lawful competence.

*Final Accounts of Administration and Distribution Accounts and annual report to be submitted to Minister.*

10. Not later than four months after the end of a financial year the Director shall submit to the Minister the audited financial accounts of the Administration Account and the Distribution Account, as well as a report in writing on the activities of his office during the financial year in question.



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*Provisions relating to prizes.*

11. (1) All prizes in a lottery shall be paid in the currency of the Republic of Ciskei.  
(2) If any prize money becomes payable to a minor of or above the age of eighteen years, such minor may without the consent of his guardian execute all necessary documents and give all necessary acquittances in connection therewith.  
(3) The *bona fide* payment of any prize money shall, to whomsoever made, discharge the State and any person by whom such payment was made from all liability in respect of such payment notwithstanding any forgery, fraud, mistake, neglect, loss or delay which may have been committed or may have occurred in connection therewith.  
(4) No person under the age of eighteen years shall be entitled to recover any prize in a lottery.

*Offence and penalty.*

12. Any person who sells a ticket in a lottery to any other person who is apparently below the age of eighteen years shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months.

*Regulations.*

13. (1) The Minister may make regulations prescribing any matter which in his opinion it is necessary or expedient to prescribe in order to achieve the aims and objects of this Act.  
(2) Any such regulation may prescribe penalties for any contravention thereof not exceeding the penalties prescribed in section 12.

*Delegation of powers.*

14. The Minister may by writing under his hand delegate to the Director any of the powers or functions conferred on him by section 2 (2) and may at any time in like manner revoke any such delegation.

*Validation of certain expenditure.*

15. Any moneys withdrawn from the Ciskeian Revenue Fund prior to the commencement of this Act by the department of the Minister to meet expenditure in connection with the establishment of a lottery shall be deemed to have been withdrawn under an appropriation duly made by the National Assembly: Provided that the moneys so withdrawn or such part thereof as the Minister may determine shall be recovered as if they were an advance made to the Administration Account in terms of section 2 (3).

*Short title and commencement.*

16. This Act shall be called the State Lotteries Act, 1984 and shall be deemed to have come into operation on 1 April 1984.

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