CHAPTER 205A
NATIONAL LOTTERIES AUTHORITY ACT

• Act • Subsidiary Legislation •

ACT

Act No. 20 of 1999

Amended by

Act No. 19 of 2008

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CHAPTER 205A
NATIONAL LOTTERIES AUTHORITY ACT

An Act to provide for the establishment of the National Lotteries Authority to be responsible for promoting the development of lotteries, pools and games of chance in Grenada, and for matters connected therewith or incidental to.

[Act No. 20 of 1999 amended by Act No. 19 of 2008.]

[3*rd September*, 1999.]

PART I

Preliminary

1. Short title

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

2. Interpretation

In this Act—

"Authority" means the National Lotteries Authority establishment by section 3;

"Board" means the Board of the Authority established by section 4;

"business plan", for a financial year, means—

(*a*) the business plan approved under section 25; and

(*b*) all amendments to the business plan approved under that section,

for the financial year;

"Chairperson" means the Chairperson of the Commission and includes any person for the time being performing the functions of Chairperson;

"financial year" means the financial year referred to in section 24;

"functions" includes powers and duties;

"General Manager" means the general manager of the Authority appointed under section 13 and includes any person appointed to act as General Manager;

"member" means a member of the Board of the Authority and includes the Chairperson and Deputy Chairperson;

"Minister" means the Minister responsible for sports.

PART II

Establishment, Constitution, Functions, Management, etc., of the Authority

3. Establishment of the Authority

(1) There is hereby established for the purposes of this Act a body to be called the National Lotteries Authority, hereinafter referred to as "the Authority".

(2) The Authority shall be a body corporate to which sections 47 and 49 of the Interpretation and General Provisions Act, Chapter 153, applies.

4. Board of Authority

(1) The Authority shall have a Board which shall be constituted by not less than five nor more than nine persons appointed by the Minister from among persons with qualifications and experience in accounting, economics, banking, commerce, management and legal practice.

(2) The Board shall be responsible for the formulation of policy regarding the functions of the Authority.

(3) Every member shall be appointed by the Minister for a period of two years, or as the Minister determines and shall, on ceasing to be a member, be eligible for re-appointment, provided that—

(*a*) any member may at any time resign his or her office by instrument in writing addressed to the Chairperson, who shall forthwith cause it to be forwarded to the Minister; and

(*b*) where a member ceases to be a member for any reason, the Minister may appoint another member in his or her place for the remainder of the time for which the former member would have served before his or her ceasing to be a member.

(4) The Minister shall appoint a Chairperson and a Deputy Chairperson from among the members.

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

(6) The Minister may at any time revoke the appointment of any member if he or she considers it in the interest of the Authority to do so.

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

5. Functions of the Authority

(1) Subject to the provisions of this Act, no person other than the Authority, shall operate any lottery in Grenada.

(2) The Authority may, with the approval of the Minister, operate other games of chance as it considers appropriate.

(3) Notwithstanding anything contained in subsection (1), the Minister may licence any other person or agency to operate a lottery in Grenada on such terms and conditions as he or she approves.

(4) Without prejudice to the generality of the provisions of subsection (1) the Authority may—

(*a*) assist in the organisation and operation of lotteries connected with Grenada;

(*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 monies payable under this Act;

(*d*) assist in the development of sports, culture and community development projects;

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

(*f*) advise the Minister on the development of all forms of games in Grenada.

(5) The Authority shall provide the Minister with a statement of the proceeds of each drawing of a lottery or other game of chance conducted by the Authority on a quarterly basis or within such other time as may be specified by the Minister; and any such statement shall be supplied within one week after it is due or requested.

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

6. Seal of the Authority

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

(2) The seal of the Authority 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 Authority may be signified under the hand of the Chairperson, Deputy Chairperson or General Manager.

7. Service of notice

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

8. Procedure at meetings 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 Chairperson may determine.

(2) The Chairperson may at any time call a special meeting of the Board and shall call a special meeting within seven days of a requisition for that purpose addressed to him or her by any four 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 four 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; but where the votes of the members present in regard to any question is equally divided, the Chairperson or Deputy Chairperson presiding at the meetings.

(8) Minutes of the proceedings of each meeting of the Board shall be kept in such manner as the Chairperson may determine and shall be confirmed 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 no such co-opted person shall have any right to vote.

9. Disclosure of interest

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

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

10. Appointment of Committees

(1) The Minister may appoint committees 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) Where persons, other than members, are members of a committee appointed under this section, or where any person is co-opted under section 8(9), the Authority 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 Authority.

(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 or she determines.

11. Power to delegate

Subject to this Act the Authority 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.

12. Remuneration of members

There shall be paid from the funds of the Authority to the Chairperson and other members of the Board such, if any, remuneration, fees or allowances as the Minister may determine.

13. Appointment of General Manager

(1) The Authority shall, at such salary and upon such terms and conditions of service as may be agreed on, and with the prior approval of the Minister, appoint a General Manager.

(2) The General Manager shall be the Chief Executive Officer of the Authority and shall be present at all meetings of the Board unless he or she 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 Authority 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, and 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 such powers and duties as may be specified in such instrument.

14. Appointment of officer and servants

(1) The Board may appoint and employ at such remuneration and on such terms and conditions as it thinks fit, 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.

15. Negation of review

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 Authority;

(*b*) the contravention by a member of the provisions of section 9 of this Act; or

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

16. Protection of members

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 Authority.

17. 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 him or her to concern the public interest.

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

PART III

Financial Matters

18. Funds of the Authority

The funds and resources of the Authority shall consist of—

(*a*) such sums as may from time to time be placed at its disposal by Parliament;

(*b*) 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;

(*c*) such sums received by the Authority by way of gift, grant or donation from lawful sources;

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

(*e*) sums borrowed by the Authority for the purpose of meeting any of its obligations or discharging its functions;

(*f*) 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.

19. 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 of Finance 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.

20. Guarantees of borrowings

(1) Subject to the provisions of the Financial Intelligence Unit Act, Chapter 102A, and any other financial legislation in force in Grenada, the Minister of Finance may guarantee, in such manner and on such conditions as he or she may think fit the payments of the principal and interest of any authorised borrowing of the Authority.

(2) Where the Minister is satisfied there has been default in the payment of any principal monies or interest guarantees under the provisions of 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 may direct, payments of such amounts as may be so directed in or towards repayment of any such 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 rates as the Minister may direct, and different rates of interest may be directed as regards different sums as regards interest for different periods.

21. Reserve Fund

The Authority 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 Authority by the Minister of Finance.

22. Application of funds

Subject to section 23, the funds and resources of the Authority shall be applied for the purposes authorised by this Act in relation to the functions of the Authority.

23. Contributions to sports, etc.

(1) Subject to this section, the Authority may make such financial contribution to any sporting and cultural activities in Grenada as determined by the Minister.

(2) No contribution in excess of fifty thousand dollars may be made under subsection (1) without the approval of the Minister.

24. Financial year

The financial year of the National Lotteries Authority is the twelve months period beginning on the first day of January and ending on the thirty-first day of December.

25. Annual business plan

(1) The Board shall, no later than four months before commencement of each financial year and in such form as the Minister requires, prepare in respect of the financial year, and submit to the Minister, a proposal for a business plan for the financial year that must contain—

(*a*) a statement of the Authority's objectives and priorities in carrying out its responsibilities for the financial year and the following two financial years;

(*b*) a comprehensive business plan that—

(i) shows how resources, including but not limited to financial resources, will be allocated to meeting the objectives and priorities of the Authority for the financial year, and

(ii) includes *pro forma* financial statements as required by the Minister;

(*c*) a comparison of the *pro forma* financial statements with the actual financial statements for the previous financial year;

(*d*) a statement as to how the Board proposes to measure its performance in carrying out its responsibilities in the financial year; and

(*e*) any other information required by the Minister by written notice to the Board.

(2) The Minister may, on request of the Board, extend the time for submitting a proposal for a business plan.

(3) The Minister shall, as soon as practicable, consider the proposal for a business plan and may, after consulting with the Minister of Finance—

(*a*) approve the proposal as submitted;

(*b*) with the approval of the Board, amend the proposal and approve it as amended; or

(*c*) refer the proposal back to the Board with directions that the Board take any further action with respect to it that the Minister considers appropriate.

(4) Where the Minister refers the proposal for a business plan back to the Board under subsection (3)(*c*), he or she shall provide the Board with his or her reasons for not approving it.

(5) A proposal for a business plan that is referred back to the Board under subsection (3)(*c*) must be resubmitted to the Minister as directed by the Minister and, when it is resubmitted, subsections (3) and (4) apply.

(6) When a proposal in relation to a financial year is approved by the Minister, it becomes the business plan for that financial year.

(7) The Board—

(*a*) may, of its own motion, submit to the Minister a proposal to amend an approved business plan; and

(*b*) shall on request of the Minister, and within the time required by the Minister, submit to the Minister a proposal to amend an approved business plan.

(8) Subsections (3), (4), (5) and (6) apply to proposals submitted to the Minister under subsection (7).

25A. Board obligated to implement business plan

The Board shall—

(*a*) in each financial year implement the business plan for the financial year; and

(*b*) establish a mechanism for monitoring the implementation of the business plan.

25B. Accounts

(1) The Board shall—

(*a*) keep proper books of account of its income and other receipts and expenditures; and

(*b*) ensure that—

(i) all monies received are promptly brought to account,

(ii) all payments out of its money are correctly made and properly authorised, and

(iii) adequate control is maintained over its property and over the incurring of liabilities by the Authority.

(2) The books of account kept under subsection (1) shall—

(*a*) be sufficient to record and explain the Authority's transactions;

(*b*) enable the Authority's financial position to be determined with reasonable accuracy at any time; and

(*c*) be sufficient to enable financial statements to be prepared and audited in accordance with this section.

(3) Within three months after the end of each financial year, the Board shall cause to be prepared—

(*a*) the following financial statements together with proper and adequate explanatory notes—

(i) a statement of the assets and liabilities of the Authority at the end of the financial year,

(ii) a statement of the revenue and expenditure of the Authority during the financial year,

(iii) such other financial statements for the financial year as may be specified in writing by the Minister; and

(*b*) an annual report of the Authority on the implementation of the business plan and such other matters as the Board considers advisable or the Minister directs.

(4) Without delay after the completion of the financial statements and the annual report, the Board shall furnish a copy of each to the Director of Audit.

25C. Audit by Director of Audit and report to the House of Representatives

(1) Not later than three months after receipt of the financial statements and annual report from the Board, the Director of Audit shall audit the financial statements in accordance with the Audit Act, Chapter 22A.

(2) Without delay after the completion of his or her audit of the Authority, the Director of Audit shall submit a copy of his or her report together with the financial statements and annual report to the Minister and the Board.

(3) The Minister of Finance shall, not later than seven days after the House of Representatives first meets after he or she has received the report together with the financial statements and the annual report of the Authority, lay it before the House of Representatives.

(4) If the Minister of Finance fails to lay the report together with the financial statements and the annual report of the Authority before the House of Representatives in accordance with subsection (3), the Director of Audit shall transmit the report, the financial statements and the annual report to the Speaker who shall, as soon as practicable, present them to the House of Representatives.

(5) As soon as reasonably practicable after the report together with the financial statements and the annual report of the Authority have been laid before the House of Representatives, the Board shall cause the report, the financial statements and the annual report of the Authority to be published in the *Gazette.*

PART IV

Miscellaneous and Transitional

26. Rules and regulations

(1) The Minister may make rules and 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 rules and regulations—

(*a*) for securing the proper and prompt payment of prize monies 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*) prescribe 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.

(2) A fine not exceeding ten thousand dollars or a term of imprisonment of one year, or both, may be attached to rules and regulations made pursuant to subsection (1).

27. Offences

Any person who—

(*a*) obtains a 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 under this Act and shall be liable on summary conviction to a fine of ten thousand dollars or to imprisonment for twelve months, or to both such fine and imprisonment.

28. Validation and indemnity

(1) Notwithstanding anything contained in any enactment or rule of law, any lottery or other game of chance conducted or operated prior to the commencement of this Act by a body trading under the name of Grenada National Lottery (hereinafter referred to as "the Grenada National Lottery") shall be deemed to have been validly conducted or operated.

(2) Any money collected by the Grenada National Lottery by virtue of any lottery or other game of chance aforesaid shall be deemed to have been validly collected, and any money paid by way of prizes or winnings shall be deemed to have been validly paid out.

(3) No action, whether civil or criminal, shall be taken against any employee of the Grenada National Lottery with respect to any action taken for the purpose of any lottery or other game of chance conducted or organised by the said Grenada National Lottery.

29. Transfer of assets, etc., to the Authority

(1) The assets and liabilities standing in the name of the Grenada National Lottery or any servant or agent shall, without further assurance, be vested in the Authority with effect from the commencement of this Act.

(2) The Minister of Finance may make any order he or she considers necessary or expedient to give effect to the intent of subsection (1).

30. Existing employees

Subject to any decision of the Board regarding existing employees of the Grenada National Lottery, such employees shall continue in the employment of the Authority, after the commencement of this Act, as if there was no break in employment.

31. Commencement

This Act comes into force on the 3rd day of September, 1999.

CHAPTER 205A
NATIONAL LOTTERIES AUTHORITY ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation