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GOVERNMENT NOTICE

No. R. 414

LOTTERIES ACT, 1997 (Act No. 57 of 1997)

REGULATIONS RELATING TO PRIVATE LOTTERIES

The Minister of Trade and Industry has, with the concurrence of the National Lotteries Board, under section 61 of the Lotteries Act, 1997 (Act No. 57 of 1997), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these regulations, unless the context otherwise indicates, any word or expression defined in the Lotteries Act, 1997 (Act No. 57 of 1997), has that meaning.

Price of tickets

2. No ticket to be sold in respect of a private lottery shall be sold at a price exceeding R10.

Value of tickets and prizes

3. (1) The total value of the tickets sold or to be sold in any one private lottery shall not exceed in value R10 000.
(2) The total value of the prizes in any one private lottery shall not exceed R10 000.

Frequency of private lotteries

4. (1) No person may conduct more than twelve private lotteries annually.
(2) For purposes of subregulation (1)

- a. "annually" means a period of 12 months commencing on 1 January; and
- b. a lottery shall be deemed to have been conducted in the year in which the winners of prizes are announced to the participants.

Information on ticket

5. If tickets are issued for a private lottery, the following information shall appear on the tickets:
 - a. The closing date of the private lottery;
 - b. the price of the ticket; and
 - c. the date of the draw of the private lottery.

Exemptions

6. (1) (a) The Board may, subject to any condition it deems fit, grant an exemption with regard to the regulations contemplated in subregulation (3) in respect of any specific private lottery, and such exemption applies only to that private lottery.
 - (b) The Board may, subject to subregulation (6), alter or withdraw any exemption granted in terms of paragraph (a).
- (2) In this regulation, "applicant" means the person who submits an application to the Board in terms of subregulation (3).
- (3) A person intending to conduct a private lottery may, 90 days prior to the start of a specific private lottery and in respect of that specific private lottery, apply to the Board in writing for an exemption in terms of subregulation (1)(a) to any of the provisions of regulations 2, 3, 4 or 5.
- (4) The applicant must in the application contemplated in subregulation (3), in addition to any other information submitted in terms of these regulations, -
 - a. identify the regulation or subregulation in respect of which exemption is sought;
 - b. provide reasons for every exemption sought;
 - c. provide all relevant information necessary for the board to consider the matters envisaged in subregulation (5); and
 - d. provide an address which the Board may use for purposes of subregulation (6)(a).
- (5) In considering any application made in terms of subregulation (3), the Board must have regard to all relevant factors, including the following:
 - a. the history of private lotteries previously conducted by the applicant, if any;
 - b. the target market of the proposed private lottery; and
 - c. measures to ensure that the private lottery is conducted in accordance with its rules.
- (6) The Board must, if it intends to alter or withdraw any exemption granted in terms of subregulation (1)(a)-

- a. give notice of its intention to the applicant at the address provided by the applicant in its application in terms of subregulation (4)(d);
- b. in the notice contemplated in paragraph (a) specify
 - i. the reasons for its intention to alter or withdraw the exemption;
 - ii. the date from when the alteration or withdrawal is to become effective; and
 - iii. which, if any, corrective measure the applicant must take in order for the Board not to alter or withdraw the exemption, as the case may be, and by when such measure must be taken; and
- c. afford the applicant a reasonable opportunity to make representations in respect of the notice.

(7) (a) The Board must compile a list for its current financial year, to be updated on the last working day of every month, containing information in respect of—

- i. every person to whom an exemption has been granted in terms of subregulation (1)(a);
- ii. the nature of the exemption granted in terms of subregulation (1)(a); and
- iii. any other information in respect of exemptions the Board deems necessary.

(b) Any person has access during the Board's ordinary office hours and at the Board's head office to the list contemplated in paragraph (a).

(c) The Board must in the report contemplated in section 12(1)(c) of the Act, include the consolidated list contemplated in paragraph (a) for the relevant financial year.

(8) No person to whom an exemption has been granted by the Board in terms of subregulation (1)(a), acquires any right or legitimate expectation in respect of future private lotteries because an exemption has previously been granted by the Board in terms of subregulation (1)(a) in respect of any other private lottery.

Commencement

- 7. These regulations shall come into operation on 1 May 2000.