

LAWS OF TRINIDAD AND TOBAGO

NATIONAL LOTTERIES ACT

CHAPTER 21:04

Act
22 of 1968
Amended by
*50 of 1970

*Act No. 50 of 1970
incorporated into
this Act as Section 32.

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
1-2	1/1990
3-12	1/1980
13-18	1/1990
19-20	1/1980

Index

of

Subsidiary Legislation

	Page
National Lotteries Regulations (G.N. 79/1969)	16

Note

on

Staff Provisions

(Page 9)

Under section 3(2) of the Statutory Authorities Act (Chapter 24:01) the National Lotteries Control Board has been declared a statutory authority subject to the provisions of that Act (*See* Chapter 24:01—Subsidiary Legislation). So long as this declaration remains in force, the provisions of this Act relating to staff must be read and construed accordingly.

CHAPTER 21:04

NATIONAL LOTTERIES ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.

PRELIMINARY

2. Interpretation.

PART I

ESTABLISHMENT OF BOARD

3. Establishment and incorporation of Board.
4. Appointment of Secretary.
5. Custody and use of seal.

PROCEDURE

6. Procedure and meetings of the Board.
7. Appointment of committees.
8. Power of Board to delegate.

GENERAL POWERS AND DUTIES OF THE BOARD

9. Powers to and duties of the Board.
10. Policy directions.

MISCELLANEOUS

11. Remuneration of members.
12. Execution of documents.
13. Annual report of Board.

PART II

ADMINISTRATION

Personnel

14. Interpretation.
15. Establishment of offices and appointment of employees.

SECTION

16. Classification of offices.
17. Transfer on secondment.
18. Responsibility of officers.

FINANCIAL PROVISIONS

19. Funds and resources of Board.
20. Advances.
21. Application of revenue.
22. Proceeds of national lotteries.
23. Balance of national lotteries. Account to be paid into Consolidated Fund.
24. Public accounts.
25. Accounting of Board.
26. Cash deposits and payments.
27. Rules made by the Board.

PART III

GENERAL AND MISCELLANEOUS

28. Legal proceedings.
 29. Unclaimed moneys.
 30. Regulations.
 31. Exemption from tax by Order.
 32. Commencement and indemnity.
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CHAPTER 21:04

NATIONAL LOTTERIES ACT

An Act to provide for the establishment of a National Lotteries Control Board for the promotion and conduct of national lotteries. 22 of 1968.

[12TH AUGUST 1968]

Commencement.
50 of 1970*.

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

Short title.

PRELIMINARY

2. In this Act—

Interpretation.

“Board” means the National Lotteries Control Board established under section 3;

“financial year” means the twelve months ending on thirty-first December in any year;

“lottery” means any game, method or device prescribed by this Act whereby money or moneys worth is distributed or allotted in any manner depending upon or to be determined by chance or lot;

“member” means a duly appointed member of the Board;

“money” includes a cheque, promissory note, bank note, postal order or money order;

“national lottery” means a lottery organised and conducted by the National Lotteries Control Board;

“Secretary” means the Secretary of the Board;

“Standing Orders” means the Standing Orders made by the Board under section 6(10);

*Section 33 of this Act as originally enacted provided for its coming into operation on a date to be fixed by proclamation. No such proclamation was published and Act No. 50 of 1970 was passed providing for the commencement of this Act; and, also for an indemnity in respect of any act done under and in pursuance of this Act between the 12th August 1968 and the 23rd December 1970.

“ticket” includes any document or token or other article whatsoever evidencing the claim of a person to participate in the chances of the lottery.

PART I

ESTABLISHMENT OF BOARD

Establishment
and
incorporation of
Board.

3. (1) A National Lotteries Control Board is hereby established for the purposes of this Act and is a body corporate.

(2) The Board shall consist of a Chairman and not more than four other members.

(3) The Chairman and members of the Board shall be appointed by the Minister and the appointment shall, subject to subsection (4), be for such period as may be specified in the instrument of appointment.

(4) A member may at any time resign his office by notice in writing addressed to the Chairman who shall forthwith cause it to be forwarded to the Minister.

(5) The appointment of any person as a member and the termination of office of any person as such whether by death, resignation, revocation, effluxion of time or otherwise, shall be notified in the *Gazette*.

Appointment of
Secretary.

4. (1) The Board shall, with the approval of the Minister, appoint a Secretary on such terms and conditions as the Board may think fit.

(2) The Secretary shall not be a member of the Board.

Custody and
use of seal.

5. (1) The seal of the Board shall be kept in the custody either of the Chairman or of the Secretary as the Board may determine and may be affixed to instruments pursuant to Standing Orders or to a resolution of the Board and in the presence of the Chairman and of one other member and the Secretary.

(2) The seal of the Board shall be attested by the signature of the Chairman and the Secretary.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the Chairman or the Secretary.

(4) Service upon the Board of any notice, order or other

document shall be executed by delivering the same or by sending it by registered post addressed to the Secretary at the office of the Board.

PROCEDURE

6. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of business and the meetings shall be held at such place and time and on such days as the Board determines.

Procedure and meetings of the Board.

(2) The Chairman may at any time call a special meeting of the Board and shall call a special meeting within seven days of the receipt of a requisition for that purpose addressed to him by any three members.

(3) The Chairman shall preside at all meetings of the Board and in his absence from any meeting the members present shall elect one of their number to preside at that meeting.

(4) If the Chairman is unable to perform the functions of his office owing to his absence from Trinidad and Tobago or to inability for any reason, the Minister may appoint a member to act as Chairman during the time such absence or inability continues.

(5) If a member of the Board is appointed to act as Chairman under subsection (4) or is unable to perform the functions of his office owing to absence from Trinidad and Tobago or to inability for any reason, the Minister may appoint some other person to act as a temporary member during the time such appointment to act as Chairman, absence or inability continues.

(6) The Chairman or in his absence the member elected to preside under subsection (3) and two other members shall form a quorum.

(7) The Chairman or member presiding at the meeting shall have an original vote, and in any case in which the voting is equal, shall have a casting vote.

(8) Minutes in proper form of each meeting shall be kept by the Secretary and shall be confirmed by the Chairman at a subsequent meeting and certified copies of the minutes when so confirmed shall, within twenty-one days thereof, be forwarded to the Minister.

(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.

(10) Subject to this section, the Board may by Standing Orders regulate its own proceedings.

Appointment of committees.

7. (1) The Board may appoint committees to examine and report to it on any matter whatsoever arising out of or connected with any of its powers and duties under this Act.

(2) A Committee appointed by the Board shall consist of at least one member of the Board together with such other persons, whether members of the Board or not, whose assistance or advice the Board may desire.

(3) Where persons, not being members of the Board, are members of the committee appointed under this section, the Board may, with the approval of the Minister, by resolution declare the remuneration and allowances of such persons and such sums shall properly be so payable out of the funds and resources of the Board.

(4) The Board may by resolution reject the report of any such committee or adopt it either wholly or with such modification, additions or adaptations as the Board may think fit.

Power of Board to delegate.

8. Subject to this Act, and to the prior approval of the Minister, the Board may delegate to a member or a committee, power and authority to carry out on its behalf such functions and to exercise such powers as the Board may determine, but any such delegation shall be revocable at will and shall not preclude the Board from acting from time to time as occasion requires.

GENERAL POWERS AND DUTIES OF THE BOARD

Powers to and duties of the Board.

9. Notwithstanding any other written law respecting gambling, betting or lotteries, the Board may carry on the business of promoting, organising and conducting national lotteries and for such purpose the Board may have and exercise such functions, powers and duties as are conferred or imposed on it by this Act, and in particular—

- (a) issue tickets for any such lottery;
- (b) fix the number and price of tickets to be issued for any such lottery;
- (c) appoint and remunerate agents for the sale of such tickets;
- (d) fix the number and value of the prizes to be apportioned;

- (e) determine the time when, the place where and the manner in which drawings shall take place for the allotment of prizes;
- (f) incur such other expenses as may be necessary for organising and conducting the lottery.

10. In the exercise of its functions, powers and duties under this Act or any other written law, the Board shall act in accordance with any special or general direction given to it by the Minister.

Policy directions.

MISCELLANEOUS

11. The Board shall, subject to the approval of the Minister, pay to each member in respect of his office such remuneration and allowances, if any, as the Board thinks fit, and subject to the like approval, to the Chairman in respect of his office, such remuneration and allowances, if any, in addition to any remuneration or allowances to which he may be entitled in respect of his office as a member, as, subject to the like approval, may be so determined.

Remuneration of members.

12. (1) Any document requiring to be executed by the Board shall be deemed to be duly executed—

Execution of documents.

(a) if signed by the Chairman and the Secretary;
or

(b) if signed, whether within or without Trinidad and Tobago, by a person or persons authorised by resolution of the Board so to sign; but such an extract of the resolution certified by the Chairman and the Secretary shall be attached to and form part of the document.

(2) Any cheque, bill of exchange or order for the payment of money requiring to be executed by the Board shall be deemed to be duly executed if signed by a person or persons authorised by this Act or by resolution of the Board.

13. The Board shall make an annual report of its proceedings to the Minister which shall be laid before Parliament.

Annual report of Board.

PART II

*ADMINISTRATION

Personnel

14. In this Part—

“appropriate Commission” means the Public Service Commission established and constituted under section 120 of the Constitu-

Interpretation.

*See Note on page 2

- tion, the Judicial and Legal Service Commission established and constituted under section 110 of the Constitution or the Statutory Authorities Service Commission established under section 4 of the Statutory Authorities Act, as the case may require;
- Ch. 24:01. “classification” means the assignment of an office to a grade;
- “Chief Personnel Officer” means the Head of the Personnel Department established under section 13 of the Civil Service Act;
- Ch. 23:01. “Personnel Department” means the Personnel Department established under section 13 of the Civil Service Act.
- Establishment of offices and appointment of employees. **15.** (1) The Board may establish such offices as may be necessary and proper for the due and efficient administration, management and performance by the Board of its duties under this Act and may appoint fit and proper persons to such offices.
- (2) An annual salary in a sum that is equivalent to or exceeds the annual salary of four thousand eight hundred dollars or such greater amount as the Minister may prescribe shall not be assigned to any post under this section without prior approval of the Minister.
- Classification of offices. **16.** The several offices established by the Board shall be classified by the Personnel Department and shall be published in the *Gazette* by order in writing under the hand of the Chief Personnel Officer.
- Transfer on secondment. **17.** (1) Any officer in the public service may, with the approval of the appropriate Commission, be transferred on secondment to the service of the Board.
- (2) The period of service with the Board of any officer to whom subsection (1) applies shall be deemed to be public service within the meaning of the Pensions Act.
- Ch. 23:52. **18.** (1) All officers charged with the receipt, accounting for or disbursement of moneys or with the custody or delivery of stores or other property belonging to the Board shall be individually responsible for the due and efficient discharge of their respective duties, and for the exercise of proper supervision of the accounts kept or controlled by them and of all property entrusted to their care, and for the due observance of all rules and regulations, and of all orders and instructions prescribed for their guidance.
- Responsibility of officers.

(2) The Board may require any officer or servant in its service to give security to its satisfaction for the due execution of his duties.

FINANCIAL PROVISIONS

19. The funds and resources of the Board shall consist of such amounts as may be received by the Board in respect of the sale of tickets and all other sums that may in any manner become payable to or vested in the Board in respect of any matter incidental to its powers and duties.

Funds and resources of Board.

20. The Minister may advance from the Consolidated Fund from time to time such amounts not exceeding in the aggregate five hundred thousand dollars as may be necessary to meet the cost of establishing the Board and the expenses incurred in the promotion and conduct of national lotteries. Any advances shall be by way of loan with or without interest as the Minister may determine.

Advances.

21. (1) The revenue of the Board for any financial year shall be applied in defraying the following charges:

Application of revenue.

- (a) the payment of prize money;
- (b) the remuneration, fees and allowances of the members or of any committee of the Board;
- (c) the salaries, fees, remuneration and gratuities of employees, servants and agents of the Board;
- (d) the working operations.

(2) The balance of the revenue of the Board shall be applied in accordance with section 23.

22. (1) The Board shall maintain a National Lotteries Account in the prescribed bank.

Proceeds of national lotteries.

(2) All moneys received from the sale of tickets for every national lottery or otherwise accruing to the Board shall be paid into and all prizes and other expenses in respect of every national lottery shall be paid out of the National Lotteries Account.

(3) If at any time the sum standing to the credit of the National Lotteries Account is insufficient to meet, either wholly or in part, the payment of prizes in respect of a national lottery or any expenses connected therewith, the Minister may by warrant authorise the withdrawal from the Consolidated Fund of such sum as may be required to meet the deficit and such sum may be advanced to the Board as a loan with or without interest as the Minister may determine.

Balance of
National
Lotteries
Account to be
paid into
Consolidated
Fund.

23. At the end of each financial year there shall be paid into the Consolidated Fund, after allowing for all expenses and the amount reserved for prizes, the balance standing to the credit of the National Lotteries Account.

Public accounts.

24. The National Lotteries Account and the accounts of the Board shall be public accounts within the meaning of section 116 of the Constitution.

Accounting of
Board.

25. (1) All decisions, orders, rules and regulations relating to the financial operations of the Board and authorised by this Act shall be made by resolution of the Board at a meeting thereof and shall be recorded in the minutes of the Board.

(2) The accounts of the Board shall be audited by the Auditor General.

(3) After the end of each financial year of the Board, the Board shall, as soon as the accounts of the Board have been audited, cause a copy of the statement of accounts to be transmitted to the Minister of Finance, together with a copy of any report made by the Auditor General on that statement or on the accounts of the Board.

(4) The Minister of Finance shall cause a copy of every such statement and report to be laid before Parliament.

Cash deposits
and payments.

26. (1) All moneys of the Board accruing from its operations under this Act shall be paid into the prescribed bank, and such moneys shall, as far as practicable, be paid into the bank from day to day, except such sums as the accounts officer of the Board may be authorised by rules of the Board to retain in his hands to meet petty disbursements for immediate payments.

(2) All payments out of the funds of the Board except petty disbursements not exceeding such sums to be fixed by the rules, shall be made by the accounts officer, or on his behalf by any other officer appointed by the Board, in accordance with the rules.

(3) Cheques against any banking account required to be kept or withdrawals from any savings bank account and bills of exchange or orders for payment of money shall be signed by the accounts officer or on his behalf by an officer appointed by the Board and counter-signed by the Chairman of the Board or any member of the Board or any officer of the Board appointed by resolution of the Board for the purpose; and a copy of any such resolution shall be certified by the Chairman and forwarded to the bank or banks concerned.

27. For the purpose of regulating and controlling its financial operations, the Board may with the approval of the Minister make Rules in respect of the following matters: Rules made by the Board.

- (a) the manner in which and the officers by whom payments are to be approved;
- (b) the bank or banks into which moneys of the Board are to be paid, the title of any account with any such bank, and the transfer of one fund from one account to another;
- (c) the appointment of a member of the Board or an officer of the Board to countersign cheques on behalf of the Chairman or in the absence of the Chairman;
- (d) the sum to be retained by the accounts officer to meet petty disbursements and immediate payments and the maximum sum that may be so disbursed for any one payment;
- (e) the method to be adopted in making payments out of the funds of the Board; and
- (f) generally as to all matters necessary for the proper keeping and control of the finances of the Board.

PART III

GENERAL AND MISCELLANEOUS

28. Legal proceedings may, in any court of summary jurisdiction be conducted on behalf of the Board— Legal proceedings.

- (a) by the Secretary or the Manager;
- (b) by any other officer of the Board authorised to do so by resolution of the Board, a copy of which purporting to be certified under the hand of the Secretary shall be sufficient evidence of the contents thereof.

29. (1) All moneys in respect of the winnings in any national lottery that remain unpaid to the winner thereof at the end of one year after the declaration of the results Unclaimed moneys.

of such lottery shall be paid over to the Treasury by the Board.

(2) The Minister shall, on presentation of proof to his satisfaction by the winner of any such moneys, that the winner is entitled to the moneys, authorise the payment and distribution of the amount of such moneys to the winner thereof, and the same shall without further authority be paid by the Treasury.

(3) Where payment is made by the Treasury in accordance with subsection (2) the validity thereof shall not be enquired into by any court and no action shall lie or be maintained in respect of the lottery that resulted in the payment aforesaid.

(4) At the end of three years after the winnings are required to be paid over to the Treasury under subsection (1), no application for the payment of winnings shall, except with the approval of the Minister, be entertained and all rights, claims, actions or other causes in respect of such winnings shall, if not already pending, be barred.

Regulations.

30. The Minister may make Regulations for carrying out the provisions of this Act and without prejudice to the generality of the foregoing the Regulations may—

- (a) prescribe the conditions to be observed by agents appointed for the sale of tickets for national lotteries and the rights, obligations and liabilities of such agents;
- (b) prescribe the form or contents of the ticket;
- (c) prescribe the information to be published concerning any national lottery and the manner in which it shall be published;
- (d) prescribe the time within which and the manner in which prizes shall be claimed;
- (e) prescribe the persons who shall be present at any drawing for the allotment of prizes and their powers and duties in relation thereto and for the settlement of any dispute or difficulty which may arise in the conduct of the drawing;
- (f) prescribe such measures as in the opinion of the Minister are necessary for the prevention of frauds and irregularities;

- (g) prescribe the system of accounting to be employed by the Board and the devices and equipment to be used to assure the more effective control of the operations connected with the national lotteries.

31. Notwithstanding any rule of law to the contrary, the Minister may by order exempt the Board in whole or in part from any payment of any tax, fee or duty imposed by or under any written law.

Exemption
from tax
by Order.

32. Notwithstanding any rule of law to the contrary, this Act shall be deemed to have come into operation on 12th August 1968; and no action or other legal proceedings of any kind whatever, whether now pending or not, shall be entertained in respect of or in consequence of any act or thing done under and in pursuance of this Act by reason only that at the material time this Act had not yet been proclaimed.

Commence-
ment and
indemnity.
[50 of 1970].

 SUBSIDIARY LEGISLATION

NATIONAL LOTTERIES REGULATIONS

made under section 30

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Definitions.
3. Board to appoint times for holding of lottery.
4. Board to appoint agents.
5. Agent allowed seventeen per cent discount.
6. Agent to give bond.
7. Agent to keep register of vendors.
8. Agent to give receipt to vendor.
9. Vendor allowed eleven per cent discount.
10. Agent to give Board two months notice.
11. Termination of agency.
12. Implied terms in agreement.
13. Notice of draw.
14. Particulars to be specified on tickets.
15. Procedure at draw.
16. Result of draw to be published.
17. Payment of prizes.
18. Seller's prize.
19. Auditor General to approve accounting system.

Citation.

1. These Regulations may be cited as the National Lotteries Regulations.

Definitions.

2. In these Regulations—
 “agent” means a person appointed by the Board and who has entered into an agreement with the Board to purchase for sale a stipulated number of tickets for each lottery during the period of the agreement;
 “vendor” means a person registered to sell lottery tickets with an agent.

National Lotteries Regulations

[Subsidiary]

3. A lottery shall be held at such time as the Board may appoint and the lottery shall be drawn on the date stated on the tickets but the Board may, if it thinks fit, direct that the lottery be drawn at any time thereafter. Board to appoint times for holding of lottery.
4. The Board shall appoint agents to sell lottery tickets. Board to appoint agents.
5. Each agent shall be allowed a discount of seventeen per cent of the value of the tickets purchased. Agent allowed seventeen per cent discount. [129/1977].
6. (1) An agent shall give a bond in the amount and form that the Board may from time to time determine, the minimum value of the bond being the value of the tickets which in respect of one lottery draw, the agent is obliged to purchase under his agreement with the Board. Agent to give bond. [112/1982].
- (2) Any deposit required by the Board under sub-regulation (1) shall be credited to an account called the National Lotteries Agents' Deposit Account operated by the Board and maintained at the Central Bank.
7. (1) Each agent shall keep and maintain a register of the names and addresses of vendors who obtain tickets from him for resale. Agent to keep register of vendors.
- (2) The register shall be kept in such a manner and for such period as the Board may direct.
8. Where an agent sells tickets to a vendor, the agent shall give to the vendor a receipt stating the number of tickets so sold and the serial numbers of the tickets. Agent to give receipt to vendor.
9. On obtaining tickets for resale from an agent with whom he is registered a vendor shall be allowed a discount of not less than eleven per cent of the value of the tickets. Vendors allowed eleven per cent discount. [129/1977].
10. An agent may terminate his agreement with the Board by giving to the Board two months' notice thereof. Agent to give Board two months' notice.
11. On the termination of the agency and on the satisfactory settlement of his account with the Board an agent shall be absolved from all obligations stated in the agreement with the Board. Termination of agency.
12. Regulations 6 to 10 shall be implied terms of every agreement for the purchase of tickets entered into by an agent with the Board. An agent who is in breach of any term Implied terms in agreement.

[Subsidiary]

National Lotteries Regulations

of his agreement may have his agreement terminated forthwith and his bond forfeited.

Notice of draw.

13. Before any lottery is drawn the Board shall cause to be published in the *Gazette* and in at least one daily newspaper circulating in Trinidad and Tobago—

- (a) the date, the time when and the place where the draw will take place;
- (b) the number and the price of tickets issued by the Board for sale in respect of the lottery, and any other particulars concerning the tickets which it may consider necessary to publish;
- (c) the number and value of the prizes apportioned to the lottery and the place where and the hours during which payment of prizes may be claimed.

Particulars to be specified on tickets.

14. There shall be specified on every ticket—

- (a) the date and the number or other description of the draw lottery for which the ticket is issued;
- (b) the serial number and price of the ticket;
- (c) the number and value of the prizes apportioned to the lottery for which the ticket is issued including seller's prizes referred to in regulation 18;
- (d) any other information or conditions (not inconsistent with the Act) in connection with the conduct of the lottery that the Board may think fit.

Procedure at draw.
[48/1976].

15. (1) Subject to this regulation, a lottery shall be drawn as follows:

- (a) members present at a draw shall before the commencement of the draw elect one of their number to preside at the draw;
- (b) where only one member is present at a draw, he shall preside;
- (c) where no member is present at a draw, the Director of the National Lottery shall preside and, in the absence of the Director, the Deputy Director or the Secretary shall preside.

(2) The person presiding at the draw shall—

- (a) put or cause to be put in motion the machine or other contrivance approved by the Board for drawing the numbers of the winning tickets;

- (b) declare the numbers of the winning tickets so drawn and in the event of the same number being drawn more than once at a draw declare the second or subsequent draw of that number null and void;
- (c) in the event of a breakdown or other difficulty occurring in the operation of the machine or contrivance, direct that the drawing of the numbers of the tickets then remaining to be drawn be postponed until he is satisfied that the draw can be resumed without difficulty.

(3) If, at the time when a draw is postponed under subregulation (2)(c), one or more, but not all, of the digits necessary to determine the number of a winning ticket has been drawn, the number of that ticket shall, when the draw is resumed, be drawn afresh as to all its digits, and the digit or digits drawn before the postponement of the draw shall be disregarded.

(4) For the purpose of witnessing a draw of a lottery the public shall be admitted to the premises upon which the draw is conducted so far as may reasonably be practicable having regard to the accommodation available for the purpose.

(5) Any person who obstructs or impedes the drawing of a lottery or creates any disturbance on or near the premises on which a lottery is being or is about to be drawn, is liable on summary conviction to a fine of seventy-five dollars or to imprisonment for one month.

16. The Board shall cause the numbers of the winning tickets drawn in every lottery to be published in the *Gazette* and in at least one daily newspaper circulating in Trinidad and Tobago as soon as practicable after the lottery has been drawn.

Result of draw
to be published.

17. Prizes shall be paid by the Board in respect of winning tickets in a lottery in accordance with the following provisions:

Payment of
prizes.
[17/1977].

- (a) payment shall be claimed by presenting and delivering up the ticket in respect of which the claim is made at the place and during the hours appointed for the purpose in the notice published in accordance with regulation 13;
- (b) payment shall be claimed within one year after the day of the draw at which the ticket in respect of which the claim is made was declared a winning ticket;

(c) payment shall be made to the person who presents the ticket for the payment of the prize won by that ticket and the payment shall absolutely discharge the Board, its servants and agents of liability for payment of that prize.

Seller's prize.

18. The seller's prize shall be paid to the agent or vendor who sells any of the winning tickets on which sellers' prizes are payable. In determining the person to whom the seller's prize should be paid, the agent concerned shall be required to notify the Board in writing, whether the ticket for which the seller's prize is payable was sold by him or by a vendor. Where the information from the agent shows that the ticket was sold by a vendor, the vendor is entitled to claim the prize by presenting a *bona fide* receipt from the agent. The records of the Board shall be used to verify the information submitted by the agent before payment is made. If the ticket was sold by the agent himself he is entitled to the seller's prize.

Auditor
General to
approve
accounting
system.

19. The Board shall employ such system of accounting as the Auditor General may approve.
