*CHAPTER 70

PUBLIC LOTTO ORDINANCE

To repeal and to re-enact with amendments the law relating to the Public Lotto.

8th February, 1932

ORDINANCE II of 1932, as amended by Ordinances: VI of 1938; XXI of 1940, II of 1943, VII of 1946, VII of 1947; Acts: XVII of 1948, VII of 1949, VII of 1950, XV of 1956; Emergency Ordinances: VI and XIV of 1958; Ordinance XVII of 1961; Legal Notice 24 of 1962; Ordinance XXV of 1962; Act VI of 1962; Legal Notice 4 of 1963; Act VIII of 1964; Legal Notice 46 of 1965; Acts: XXXI of 1966, XI of 1971, XVI of 1972; Legal Notice 148 of 1975; Acts: XIII of 1983, XXVI of 1988, II, VIII and XXIV of 1990, XVI of 1997, VIII of 1998, XI of 2000 and XXII of 2005; and Legal Notice 408 of 2007.

1. The short title of this is Ordinance is the Public Lotto Ordinance.

Short title.

2. The public lotto is established as a Government monopoly.

The public lotto is Government monopoly.

3. The administration of the lotto is entrusted to the Director of Public Lotto under such regulations as shall be made from time to time.

Administration of lotto entrusted to the Director of Public Lotto.
Amended by: VII. 1949.7.

4. The lotto shall be played with the numbers from one to ninety inclusively, of which five drawn at random in succession shall determine the winnings.

How lotto is played.

5. The Minister responsible for finance may, from time to time, make regulations, to be published in the Government Gazette, for prescribing -

Power of Minister responsible for finance to make regulations.
Amended by: VII.1949.5; VII.1950.2; VI.1958.2; XVII.1961.3; XXV.1962.2; L.N. 24 of 1962; VIII.1964.2; L.N. 46 of 1965; XXXI.1966.2; XXIV. 1990.2.

(*a*) the number of the offices authorized to receive the stakes;

(*b*) the day, the hour and the method of conducting the periodical drawings, as well as the officials whose presence will be necessary to legalise the same;

(*c*) the stakes that may be laid on the result of each drawing;

(*d*) the amount of the lotto prizes;

(*e*) the manner and the conditions in or under which stakes may be accepted;

(*f*) the day and the hour when stakes must no longer be accepted;

(*g*) the number, the duties and obligations of the receivers of the stakes, and the percentage, or other

*Repealed by Act XVI of 2018

remuneration, which they will be allowed;

(*h*) all other matters concerning the management of the public lotto, including any matters the Minister may deem necessary or expedient to regulate in consequence of the computerization of the public lotto;

(*i*) anything that may or is to be prescribed.

Tickets to show proportion of the chances of winning.

6. Every ticket shall bear upon the face of it a statement in Maltese of the proportion of the chances of winning.

Deposit of computer discs. *Substituted by: VIII.1964.3. Amended by: XI.1971.2. Substituted by: XXIV. 1990.3.*

7. (1) The computer discs containing the information concerning the stakes shall be delivered by the receivers before the drawing in such place, in the presence of such officials and under such measures of security as may be prescribed.

(2) If for any cause whatsoever the discs aforesaid are not delivered as provided in sub-article (1), or if the same are delivered in a defective state, the stakes therein contained shall be considered as void, and the person staking shall be entitled to a refund of the amount staked against the delivery of the ticket.

Notice of winnings. *Amended by: VII.1949.7.*

8. (1) Notice of all winnings must be given to the Director within thirty days from the date of the respective drawing.

(2) Moreover, the winner shall present the ticket for examination and for the payment of the amount due which shall be made on the date to be fixed by the officer in charge.

Time within which winnings may be claimed. *Amended by. VII.1947.2; VII.1949.7; XXIV. 1990.4.*

9. The right of claiming winnings shall be barred by the lapse of thirty days from the date of the respective drawing and a claim so barred may not be entertained by the Director:

Provided that if the last day of a claim period falls on a Sunday or a public holiday, the period shall be extended until the first following working day.

Conditions to which payment of winning is subject. *Amended by: VIII.1964.4; XXXI.1966.2; XXIV. 1990.5.*

10. The holder of a winning ticket shall not be entitled to payment -

(*a*) if the ticket is not whole, or if it contains any alteration or correction of the numbers registered thereon; or

(*b*) if it does not tally in all respects with the records stored in the computer as may be prescribed:

Provided that, where the winning ticket is not whole, the Minister responsible for finance may in his discretion authorise the payment of the prize if he is satisfied that the part produced contains the necessary elements to establish the authenticity of the ticket or that the parts produced are parts of the same ticket and contain such elements.

Prohibition of public lotteries or tombolas.
Substituted by: VII. 1946.2. Amended by: VII. 1947.3; VII. 1949.2,4,6,7; VII. 1950.3; XV. 1956.2; VII. 1958.2; XIV. 1958.3; XXV. 1962.2; L.N. 24 of 1962; L.N. 46 of 1965; XXXI. 1966.2; XVI. 1972.2; L.N. 148 of 1975; XIII. 1983.4; XXVI. 1988.2; II. 1990.2; XXIV. 1990.6; VIII. 1998.2; XI. 2000.26; L.N. 408 of 2007.

11. (1) (*a*) Every kind of public lottery or tombola is prohibited, unless permission has been granted previously by the Director of Public Lotto. In granting such permission the Director of Public Lotto may impose such conditions as he may deem expedient.

(*b*) For the purposes of this Ordinance the expression "lottery" shall include any scheme for distributing prizes under which the recipients or the number or the amounts of the prizes are set upon the outcome of a future uncertain event or of a combination of future uncertain events, and which is not permitted under any specific provision of law.

Duty leviable.

(2) The following duty shall be levied and collected by the Director of Public Lotto on behalf of the Government of Malta:

(i) in respect of the issue of a permit for the holding of each public tombola session, a duty of thirty-four euro and ninety-four cents (34.94), or such duty as the Minister responsible for finance may from time to time by Order in the Gazette establish;

(ii) in respect of each public lottery a duty equivalent to twenty five *per centum* of the value, established to the satisfaction of the Director of Public Lotto, of the prize or prizes offered;

Provided that the Director of Public Lotto may grant exemption from payment of the duty aforesaid in specific instances when a public lottery or tombola is promoted and directed by any society, institute or private person and the net proceeds thereof are intended for a religious purpose approved by the competent local Ecclesiastical Authorities, or for a charitable purpose, or for the furtherance of the Boy Scout or Girl Guide movement, or for the encouragement of fine arts, or for any other purpose approved in writing by the Minister responsible for finance.

Power of entry.

(3) Any Police officer not below the rank of sub-Inspector, or any member of the Police Force below that rank duly authorized by a superior officer, or any other person duly authorised by the Director of Public Lotto to that effect, may enter any place where he has reason to believe that a public lottery or tombola is being held, with the object of seeing whether the provisions of this article or any regulations made hereunder are being complied with.

Admission to public lotteries or tombolas only by means of tickets which comply with regulations.

(4) No person shall be admitted or allowed to take part in any public lottery or tombola for the holding of which permission has been granted as aforesaid, except by means of tickets or cards which comply with the provisions of any regulations which the Minister responsible for finance may make from time to time under this article:

Provided that the Director of Public Lotto may, in cases of permitted public lotteries where no such tickets or cards are intended to be issued, grant exemption from this requirement on such conditions as he may deem expedient.

Production of accounts of receipts and payments.

(5) Where permission has been granted under this article for the holding of public tombolas or lotteries, the Director of Public Lotto shall have the power to require the person to whom such permission is granted to produce an account of the receipts and payments in respect of such lotteries or tombolas, and to verify the same on oath.

Power to make regulations.

(6) The Minister responsible for finance may make regulations for securing the payment of duty leviable under this article and generally for carrying the provisions of this article into effect and in particular for the supply and use of tickets and stamps or for the stamping and marking of tickets sent to be stamped or marked by the Director of Public Lotto and for securing the defacement of tickets or stamps when used.

Meaning of public lottery or tombola.

(7) Any lottery or tombola held on the premises of any club shall, for the purposes of this article, be deemed to be a public lottery or tombola, and the grantee of a permit to hold a public tombola mentioned in paragraph (i) of sub-article (2) hereof shall exhibit such permit in a place which is easily accessible for inspection.

Offences and penalties.

(8) Any person guilty of an offence against the provisions of this article and of any regulation made thereunder shall be liable to a fine (*multa*) of one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) or double the amount of duty which should have been paid whichever is the greater.

Offences by associations of persons.

(9) Where a society or club is guilty of an offence against this article or any regulations made thereunder, every president, director, and other officer of such society or club who is knowingly a party to the offence shall be guilty of an offence and liable to punishment accordingly.

(10) The Minister responsible for finance may remit or reduce any penalty to which any person may have become liable under sub-articles (8) and (9) whenever, in his discretion, he deems that the circumstances of the case warrant such remission or reduction.

Payment into Consolidated Fund.

(11) All duties levied and all penalties recovered under this article shall be paid into the Consolidated Fund.

(12) In the event that any prize in a public lottery or tombola is not awarded for any reason whatsoever, or remains unclaimed for a period of one month after the date of the draw, the value of such prize shall be paid to the Director of the Public Lotto within two months from the date of the draw, and shall be credited to an

account styled "Unclaimed Public Lottery and Tombola Prizes Fund"; and any credit balance in the fund, or part thereof, shall be distributed to philanthropic or charitable organizations or other deserving causes, or transferred to the Consolidated Fund, as the Minister may from time to time direct.

(13) The Minister may make regulations by means of which he may regulate the giving of permits for the opening of offices wherefrom lotteries may be organized on a regular basis and which establish the manner of running such offices, the control to be exercised on such offices and without prejudice to the aforementioned he may by such regulations:

(*a*) provide that such offices be under the supervision of the Gaming Board established by the Gaming Act, and of inspectors appointed thereunder; Cap. 400.

(*b*) provide for the, prevention against money laundering;

(*c*) establish the tax which shall not exceed such tax established in sub-article (2) which shall be paid on games taking place at such offices; and

(*d*) make any other provision which will ensure that games are played fairly and that such offices are run by suitable persons and that a proper account be held of the activities of such offices.

Clandestine lotto. *Amended by: XIII. 1983.5; XXIV. 1990.7; VIII. 1998.3; L.N. 408 of 2007.*

12. (1) Clandestine lotto, whatever the manner and the denomination in or under which it may be conducted, is prohibited. Such prohibition shall be applicable in the case of any clandestine lotto conducted with promises of money or other prizes to the stakers, or by means of the collection of or subscriptions to stakes laid on combinations of numbers equal or similar to those of the public lotto.

(2) Any person undertaking clandestine lotto or collecting stakes thereon as aforesaid, and any person aiding or abetting the same in any way, shall be liable, on conviction, to a fine (*multa*) of not less than four thousand and six hundred and fifty-eight euro and seventy-five cents (4,658.75) and not more than forty-six thousand and five hundred and eighty-seven euro and forty-seven cents (46,587.47) and to imprisonment for a term from six to twelve months.

(3) Any person laying stakes, not being an accessory as aforesaid, shall be liable, on conviction, to a fine (*multa*) of not less than one hundred and sixteen euro and forty-seven cents (116.47) and not exceeding four hundred and sixty-five euro and eighty-seven cents (465.87).

Penalty for acting as lotto receiver without authority.
Amended by: VII. 1949.3; XXV. 1962.2; L.N. 24 of 1962; XXXI. 1966.2; XIII. 1983.5; XXIV. 1990.7; L.N. 408 of 2007.

13. (1) No person, without being authorized to that effect by the Minister responsible for finance, shall under any title or in any manner whatsoever act as receiver of lotto stakes.

(2) Any person who offends against the provisions of sub-article (1) shall be liable, on conviction, to a fine (*multa*) of not less than two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37) and not exceeding eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87) or to imprisonment for a term from six to twelve months or to both such fine and imprisonment.

Penalty for selling, etc., lotto tickets in unauthorized places.
Amended by: XIII. 1983.5; XXIV. 1990.7; L.N. 408 of 2007.

14. (1) No person may sell or offer for sale tickets of the public lotto in any place other than that appointed for the purpose.

(2) Any person who offends against the provisions of this article shall be liable, on conviction, to a fine (*multa*) of not less than fone hundred and sixteen euro and forty-seven cents (116.47) and not exceeding four hundred and sixty-five euro and eighty-seven cents (465.87).

(3) Any person staking or purchasing or subscribing to stakes on tickets, in any place other than that appointed for the purpose, shall be liable, on conviction, to a fine (*multa*) of not less than one hundred and sixteen euro and forty-seven cents (116.47) nor exceeding four hundred and sixty-five euro and eighty-seven cents (465.87).

Penalty for selling, etc., foreign lottery tickets, etc.
Amended by: XIII. 1983.5; XXIV. 1990.7; VIII. 1998.4; L.N. 408 of 2007.

15. (1) It shall not be lawful to import, sell, distribute or acquire for the purpose of sale in Malta, foreign lotto or lottery tickets.

(2) Any person importing, selling, distributing or acquiring for the purpose of sale, such tickets shall be liable, on conviction, to a fine (*multa*) of not less than four thousand and six hundred and fifty-eight euro and seventy-five cents (4,658.75) and not exceeding forty-six thousand and five hundred and eighty-seven euro and forty-seven cents (46,587.47) and to imprisonment for a term from six months to three years, or to both such fine and imprisonment.

(3) Any person acquiring, for the purpose of gambling, foreign lotto or lottery tickets shall be liable, on conviction, to a fine (*multa*) of not less than one hundred and sixteen euro and forty-seven cents (116.47) and not exceeding four hundred and sixty-five euro and eighty-seven cents (465.87).

Unauthorised possession of a clandestine lotto ticket, etc.
Added by: VIII. 1998.5. Amended by: L.N. 408 of 2007.

15A. Any person found in unauthorised possession of any ticket of clandestine lotto or of any foreign lotto or lottery shall, without prejudice to the applicability of any other law, be liable on conviction to a fine (*multa*) of not less than one hundred and sixteen euro and forty-seven cents (116.47).

Punishment where offender is a lotto receiver or his servant.

16. If the offender against any of the provisions of this Ordinance is a receiver of lotto stakes or a person in his service the maximum penalty shall be applied.

Punishment for second or subsequent offence.

17. Where the person convicted of an offence against the provisions of this Ordinance is a recidivist, he shall be liable to the punishment established for the offence of which he is so convicted increased by one degree. Such increase shall be reckoned in accordance with the provisions of the Criminal Code.

Cap.9.

Saving as to higher punishments established in Criminal Code. Cap. 9.

18. Where the fact constitutes an offence liable to a higher punishment according to the Criminal Code, such higher punishment shall be applied in lieu of the punishment established in this Ordinance.

Seizure and forfeiture of registers, etc., relating to offence. *Amended by: XVII.1948.2; VII.1949.4,7.*

19. (1) All registers, instruments of gaming, tickets, bills, cards, money, whether it represents the pool or the stakes or the prize won, the movable or immovable things provided as prizes, and every other thing relating to the offence, or which has served or was intended to serve for the commission of the offence shall be seized and confiscated as against the persons unlawfully undertaking the lotto, or collecting money for that purpose, or their aiders and abettors, and from the persons laying stakes.

(2) Where proceedings for an offence under article 15 cannot, by reason of age or other incapacity, be taken against a person in whose name a prize in any foreign lotto or lottery has been won, civil proceedings for the confiscation and forfeiture of the prize won may, at the suit of the Director of Public Lotto, be taken against the person having the charge of the person winning the prize or against curators to be appointed for the purpose: and, if an order is obtained for such confiscation and forfeiture, the prize or, where the prize has not yet been paid, the right to collect such prize shall vest in the Malta Government.

Offences to be tried by Court of Magistrates. *Amended by: VIII. 1990.3; XXII. 2005.87.*

20. The Court of Magistrates shall be the competent court to take cognizance of offences against the provisions of this Ordinance.

Presumptive evidence. *Added by: VIII. 1998.6.*

20A. Any person found in unauthorised possession of -

(*a*) gaming instruments;

(*b*) registers normally used in gaming; and

(*c*) other effects or means normally used for the undertaking of clandestine lotto like coupons, bills, cards, matrices, counterfoils, payment tags, or of clandestine lotto tickets in such a quantity as may reasonably imply that such person is undertaking clandestine lotto,

shall be presumed to be undertaking clandestine lotto unless the contrary is proved.

Foreign lotto advertisements, etc. *Amended by: XIII. 1983.5; XXIV. 1990.7; L.N. 408 of 2007.*

21. Every manager and printer of any newspaper, every printer and distributor of leaflets and every other person, publishing or causing to be published any foreign lotto or lottery prospectus, advertisement or drawing, or bringing to the knowledge of the public the places where subscriptions thereto may be made, shall be liable, on conviction, to a fine (*multa*) of not less than one hundred and sixteen euro and forty-seven cents (116.47) and not exceeding

four hundred and sixty-five euro and eighty-seven cents (465.87).

Constitution of Public Lotto Fund.
Amended by: XXI. 1940.2; II.1943.2; VII.1946.3; VII. 1949.5,6; VI.1962.5; L.N. 4 of 1963; L.N. 46 of 1965; XXXI. 1966.2; XXIV.1990.8; XVI.1997.8.

22. (1) Without prejudice to the provisions of sub-article (11) of article 11, all moneys received from the sale of tickets under this Ordinance shall be paid into the Treasury and shall be credited to an account to be kept in that department to be styled "Public Lotto Fund".

(2) There shall be paid out of the Public Lotto Fund, without the necessity of any further appropriation other than this Ordinance, the prizes, the expenses of administration and all other charges connected therewith; and the balance at the end of each quarter shall be appropriated to the Consolidated Fund of Malta:

Provided that if at any time the balance to the credit of the Public Lotto Fund shall prove insufficient to meet, either wholly or in part, the payment of prizes, the expenses of administration and other charges connected therewith, such balance shall be supplemented by temporary advances from the Treasury Clearance Fund of Malta by Warrants under the hand of the Minister responsible for finance:

Provided further that the Minister may out of the Public Lotto Fund make such contributions or other payments he may deem appropriate in support of such bodies or organizations, or of such other causes, as may be prescribed.

(3) A statement of the receipts and expenditure of the Public Lotto Fund shall, as soon as possible after the close of each financial year and in any case not later than three months after the close of such year, be forwarded by the Accountant General to the Auditor General, and article 65(2) of the Financial Administration and Audit Act shall apply to such statement.

Cap. 174.