

L.N. 109 of 1990

PUBLIC LOTTO ORDINANCE (CAP. 70)
Public Lotto Regulations, 1990

IN exercise of the powers conferred by section 5 of the Public Lotto Ordinance, the Minister of Finance has made the following regulations:—

Citation and commencement.

1. (1) These regulations may be cited as the Public Lotto Regulations, 1990.

(2) These regulations shall come into force on the 23rd July, 1990 and shall apply with regard to the lotto draw of the 28th July, 1990 and to subsequent draws in all areas and lotto offices of Malta and Gozo.

Interpretation.

2. In these regulations unless the context otherwise requires:—

“annual sales” means the sales between the first draw in January and the last draw in December of the same year, and in respect of a lotto office assigned to a concessionary, “annual sales” means the sales made by that lotto office between the first draw in January and the last draw in December of the same year;

“claim period” means the period following a draw within which the staker in possession of a winning ticket may claim a prize;

“concessionary” means a band club or other society to which a lotto office is assigned in accordance with the provisions of regulation 9 of these regulations;

“Department” means the Department of Public Lotto;

“Director” means the Director of Public Lotto and to the extent of the authority given, includes any officer of the Department authorized by the Director in that behalf for any purpose of these regulations;

“draw” means the extraction at random by physical, mechanical or electronic means of five numbers from one (1) to ninety (90);

“lotto office” means any office or any branch or section of the Department or the place of business of a lotto receiver at which authorized sales can be made;

“game” means the lotto game;

“lotto receiver” means the person appointed by the Minister to accept and validate stakes on behalf of the staker for the purpose of forwarding them to the Department for entry in a particular draw;

“main computer” means the computer system situated at the Department or the localities as indicated by the Director, and on

which all information with regard to tickets participating in a draw is read and stored and may be retrieved for further processing of the draw;

“Minister” means the Minister responsible for finance and includes, to the extent of the authority given, any person authorized by the Minister in that behalf for any purpose of these regulations;

“staker” means the person in possession of a valid ticket issued through a terminal;

“terminal” means the data capture machine situated at a lotto office from which authorized sales can be made;

“ticket” means the ticket printed by a terminal and bearing the following information:

- (a) an identifying draw number for a draw in a particular week;
- (b) the machine number and/or the lotto receiver number of the relevant lotto office terminal;
- (c) the ticket registration number;
- (d) the stake paid; and
- (e) the numbers selected by the staker.

3. (1) The drawing of the numbers shall be held publicly at the office of the Director or at such other place as may from time to time be appointed for the purpose by the Minister, in the presence of:—

Method of
conducting the
draw.

- (a) a representative of the Director;
- (b) a representative of the Accountant General;
- (c) a representative of the Director of Audit; and
- (d) a notary public.

(2) The notary public present at the drawing of the numbers shall draw up and sign a record of the proceedings which shall be entered in a register to be kept for the purpose.

(3) The drawing of the numbers shall be held on each Saturday at, or as soon as possible after, one o'clock in the afternoon; Provided that if a public holiday falls on a Saturday, the drawing of the numbers shall be held on the preceeding Friday, and, if the preceeding Friday is also a public holiday, it shall be held on the Monday following.

(4) The Director will publish the numbers drawn in each game as soon as possible after each draw.

4. (1) It shall be lawful to lay stakes for the drawing of:—
- the first number
 - two numbers (ambo)
 - three numbers (terno)
 - four numbers (quaterno),

Stakes.

but the placing of stakes on more than one combination of numbers on the same ticket, except on such as may be expressly provided for the purpose, shall not be permitted.

(2) Lotto tickets shall be of the following values:—

10 cents

25 cents

50 cents

Lm 1,

for a single stake, and

10 cents

25 cents

50 cents

Lm 1,

for a combination of stakes on the same ticket in cases where such combination is expressly allowed.

(3) Receipt of the ticket by a staker shall constitute an acknowledgement that the numbers thereon are the player's selection. It is the responsibility of the staker to ensure that the numbers shown on the ticket are correct before leaving the lotto office.

(4) A player participates in the draw when the relevant information about his stake is deposited at the Department of lotto receiver in the presence of the Director in the case of Malta and in the presence of the Commissioner or his representative in the case of Gozo. If, for any reason whatsoever, such information is not received and entered in the main computer at the Department the related stakes are automatically invalidated and the staker is entitled only to a refund equivalent to the amount staked upon presentation of the relevant ticket.

(5) The tickets in the draw shall only be those stored in the main computer at the Department.

(6) A ticket has been recorded as void on the data capturing media of the main computer shall be deemed to be void and of no validity in claiming a prize, and the staker shall no claim against the Department or the lotto receiver whether such void recording is attributed to the staker, to a malfunction of the computer system or to an error on the part of the operator or lotto receiver.

Lotto Prizes.

5. Lotto prizes shall be of the following amounts:—

on the first number drawn

sixty-four times the amount of the stake;

on two numbers drawn

two hundred and fifty times the amount of the stake;

on three numbers drawn

two thousand times the amount of the stake;

on four numbers drawn

five thousand times the amount of the stake.

6. (1) When the total value of the prizes in a draw exceeds one hundred and eight thousand Maltese Liri (180,000) or the total value of the stake of a particular draw, whichever is the less, the amount of each prize shall be reduced proportionately so that the total value of the prize shall not exceed that limit: The amount of lotto prizes.

Provided that the amount of Lm180,000 or the total value of the stakes for a particular draw, as the case may be, may be exceeded by not more than 20% if the minister is satisfied that such excess is justified on the grounds that reduction in payment of prizes, were it not for this proviso, would be minimal and that administrative requirements would warrant such excess.

(2) In computing any such proportionate reduction, any fraction of a cent not exceeding five mils forming part of a reduced prize be ignored, and any fraction of a cent exceeding five mils forming part of a reduced prize shall be construed accordingly.

7. Notice of all winnings shall be given to the Director within thirty days from the date of the respective drawing. Notification of winning.

8. (1) Winning tickets shall be presented for payment and examination within thirty days from the date of the respective draw: Prize claims.

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

(2) Payment of prizes by the Department shall be made by cheque or as the Director may direct from time to time.

(3) No prize money shall be paid unless the relevant winning ticket is presented.

(4) Unless otherwise instructed by the Minister or by the person presenting a winning ticket, the prize money shall be paid to whoever presents the winning ticket. The payment of any prize won by a staker on such a ticket shall be deemed as a full discharge by the Department of all its obligations.

(5) The holder of a winning ticket shall not be entitled to the prize money —

(a) if the ticket is not whole, or if it contains any alterations or corrections of the numbers registered thereon; or

(b) if the ticket does not tally in all aspects with the records stored in the main computer:

Provided that, where the winning ticket is not whole, the Minister may in his discretion authorize the payment of the prize money 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.

(6) The records of the Department as to payment of a prize in respect of a ticket shall be conclusive.

(7) No prize shall bear interest against the Department.

(8) The Minister may authorise the payment of prize money to the winners after the claim period expires if in his absolute discretion he considers that circumstances justify such a payment.

Lotto Offices.

9. (1) Lotto offices shall be divided into two sections, to be designated as the "Independent Section" comprising the lotto offices run by receivers on their own account, and the "Dependent Section" comprising the lotto offices assigned to band clubs and other societies.

(2) The Minister shall have the power from time to time to decrease or increase the number of such offices, and to transfer any of them from one locality to another.

(2) In the Dependent Section, rent and electricity consumption and meter rent shall be borne in their entirety by the concessionary when the lotto office is housed in the same premises as the club or society to which it is assigned, and shall be borne as to one-half by the concessionary and as to the other half by the lotto receiver when the lotto office is housed elsewhere.

(4) Any agreement between the concessionary and the lotto receiver regarding the payment of expenses which is not in conformity with the provisions of subparagraph (a) of this paragraph shall be null and void.

Appointment
of Lotto
Receivers.

10. Lotto Receivers shall be appointed by the Minister and they shall give such security required as is in relative proportion to the amount of business carried on in their respective offices as the Minister may in his discretion determine.

Commissions
payable to
Lotto
Receivers,
expenses related
to Lotto
Offices and
appointment
of assistants.

11. (1) From the total amount of sales made in respect of each game ten per centum (10%) of such amount shall be allocated for any commissions due to lotto receivers and concessionaries and for subsidies that may be allocated for sporting activities or any such activities as the Minister may determine from time to time.

(2) The Minister may from time to time determine different commission rates payable to lotto receivers in the Independent and Dependent Sections and when applicable to concessionaries of lotto offices in respect of sales. The Minister may also from time to time determine the commission rates payable to all lotto receivers in respect of cashing of winning tickets.

(3) In the Dependent Section of lotto offices —

(a) wages paid to assistants shall be borne as to two-fifths by the concessionary and as to three-fifths by the lotto receivers; and

(b) any agreement between the concessionary and the lotto receiver regarding the payment of expenses which is not in conformity with the provisions of sub-paragraph (a) of this paragraph shall be null and void.

(4) Receivers shall be bound to carry on the business personally with the help of assistants where necessary.

(5) It shall not be lawful for lotto receivers to enter into or continue in any partnership in connection with their lotto office, or to have any direct or indirect interest in any lotto office other than the office assigned to them, nor shall they be allowed, without the consent in writing of the Director, to engage directly or indirectly in any business or to follow any occupation other than that connected with their lotto office.

12. Nothing contained in these regulations or any other law, shall be construed as implying that the lotto receiver is an agent of the Department for the purpose of forwarding information regarding stakes to be stored on data capturing machines at the Department, or for the purpose of validating information about stakes while in a game; and for such purposes the lotto receiver shall be deemed to be exclusively the agent of the staker.

Lotto
Receiver
deemed as
the agent
of the staker.

13. The Director shall determine the day and the time up to when stakes can be accepted at a lotto office for any particular draw. This information will be prominently displayed at such place of business.

The day and
time up to when
stakes can be
accepted at Lotto
Offices.

14. (1) These regulations and conditions shall apply and shall be binding on all stakers as soon as payment of the relative stake is made.

Conditions.

(2) A copy of these regulations shall be available for public viewing at the Department and at the place of business of all lotto receivers.

15. (1) Without prejudice to the provisions of paragraph (2) of this regulation, the Lotto Regulations, 1948, are hereby repealed.

Transitory
provision.
L.N. 222 of 1948.

(2) Notwithstanding the provisions of paragraph (1) of this regulation, the Lotto Regulations, 1948 shall continue to operate with respect to the lotto draw of the 21st July, 1990 and to preceding lotto draws, and thereafter, as from the 23rd July, 1990 and with respect to

the lotto draw of the 28th July, 1990 and to subsequent lotto draws, as applicable in such areas and lotto offices in Malta and Gozo where there occurs a failure in the electric power supply, or a mechanical fault in the main computer or in the terminal of a lotto receiver, or in such instances as the Minister may from time to time determine as necessary for the smooth running of the game.