

THE POOLS AND LOTTERIES ACT, 1967

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title and commencement.
2. Interpretation.

PART II

PROHIBITION OF FOREIGN POOLS AND LOTTERIES

3. Prohibition of foreign pools.
4. Prohibition of foreign lotteries.
5. Advertisements relating to foreign pools and lotteries.
6. Exemption.

PART III

CONTROL, LICENSING AND TAXATION OF LOCAL POOLS

7. Interpretation.
8. Promoters and agents of local pools to be licensed.
9. Certain prohibitions relating to unauthorized local pools.
10. Control of advertisements relating to local pools.
11. Licensing of the local pools.
12. Tax on pool betting.
13. Penalty for late payment.
14. Tax recoverable as debt.

PART IV

CONTROL AND LICENSING OF LOCAL LOTTERIES

15. Interpretation.
16. Promoters of local lotteries to be licensed.
17. Certain prohibitions in relation to unauthorized lotteries.
18. Control of advertisements relating to local lotteries.
19. Licensing of local lotteries.

PART V

GENERAL

20. Power of inspection.
21. Offences relating to books and tax.
22. Burden of proof.
23. Court may impose maximum penalty in certain cases.
24. Regulations.
25. Penal Code amended.
26. Criminal Procedure Code amended.
27. The Pools Ordinance repealed,
28. Saving of local lotteries authorized under section 173 of the Penal Code.
29. Refund of Fees.

THE UNITED REPUBLIC OF TANZANIA



No. 23 OF 1967

I ASSENT,

Julius K. Nyerere
President

9TH.. AUGUST, 1967

An Act to consolidate the Law relating to pools and lotteries, to prohibit foreign pools and lotteries in Tanganyika, to make provision for the Licensing of Local Pools and Lotteries, and to provide for matters connected therewith and incidental thereto

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Pools and Lotteries Act, 1967 and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

Short title
and
commence-
ment

2. In this Act, unless the context otherwise requires-

Interpretation

"authorized officer" means a person appointed by the Minister, by notice in the *Gazette*, to be an authorized officer for the purposes of such of the provisions of this Act or of any regulations made thereunder as may be specified in such notice;

"coupon" means any printed or written document connected with or designed to assist in the making of a pool bet, but does not include any coupon printed in any book or newspaper which is printed outside Tanganyika;

"Director" means the Director of Government Lotteries appointed under section 4 of the Government Lotteries Act, 1964 and includes the Deputy Director and any public officer to whom the Director may by writing delegate any of his functions under this Act;

Act, 1964
No. 65

"foreign lottery" means any lottery promoted outside Tanganyika, or if promoted within Tanganyika, the principal place of business at which the promoter conducts the business of the lottery is situated outside Tanganyika;

"foreign pool" means any, pool promoted outside Tanganyika or, if promoted within Tanganyika, the principal place of business at which, the promoter conducts the business of the pool is situated outside Tanganyika;

"Government lottery" means a Government lottery authorized by the Government Lotteries Act, 1964;

"local lottery" means a lottery other than a foreign lottery and includes a foreign lottery which has been exempted from the provisions of Part II by an order made under section 6;

"local pool" means a pool other than a foreign pool;

"lottery" means any scheme, system or device for the sale, gift, distribution or disposal of any property or rights in any manner depending on, or to be determined by, lot or chance, whether by the throwing or casting of dice or by the drawing of tickets, cards, lots, numbers or figures, or by means of a wheel or trained animal or by any other method whatsoever, but does not include a Government lottery;

"lottery ticket" means any document or token-

(a) the purchase of which constitutes the purchase of a chance in a lottery; or

(b) which records or evidences the purchase of a chance in a lottery;

"newspaper" includes a magazine or other periodical;

"Minister" means the Minister responsible for matters relating to finance;

"pool" means any competition organized for the gain of the promoter in which the public are invited, for a monetary or other material reward, to foretell the results of any game, race or other event and includes a competition operated on the system of fixed odds betting;

"pool bet" means any stake or wager in a pool, whether in money or money's worth;

"pool tax" means the pool betting tax payable under section 12;

"promoter" means, in relation to a pool, the person who promotes the pool and in relation to a lottery, the person who promotes the lottery;

"authorized lottery" means a local lottery promoted by a person who is not the holder of a valid permit issued under Part IV in respect of that lottery;

"unauthorized pool" means a local pool promoted by a person who is not the holder of a valid licence issued under Part III in respect of that pool.

PART II

PROHIBITION OF FOREIGN POOLS AND LOTTERIES

3.-(1) No person shall-

- (a) print, distribute, send to another person or have in his possession any coupon in respect of any foreign pool;
- (b) lay, receive or negotiate a pool bet in respect of a foreign pool;
- (c) take or send out of Tanganyika any money or money's worth, or any coupon, in connection with any foreign pool; or
- (d) act as an agent or sub-agent of any promoter of a foreign pool.

Prohibition
of foreign
pools

(2) Any person who contravenes any of the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifteen thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

4.-(1) No person shall-

- (a) buy, offer to buy, sell, offer to sell, "pose for sale, print, distribute, send to another person or have in his possession any lottery ticket in respect of a foreign lottery,
- (b) take or send out of Tanganyika any money or money's worth, or any lottery ticket, in connection with any foreign lottery; or
- (c) act as an agent or sub-agent for any promoter of a foreign lottery.

Prohibition
of foreign
lotteries

(2) Any person who contravenes any of the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifteen thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

5.-(1) No person shall print or publish or cause to be printed or published any advertisement of or relating to a foreign pool or lottery, or of or relating to the issue of any coupon or lottery ticket or the amount or nature of any dividend or prize connected with a foreign pool or lottery:

Advertise-
ments
relating to
foreign
pools and
lotteries

Provided that the provisions of this subsection shall not apply to the publication of any such advertisement in a newspaper printed outside Tanganyika and normally circulating within Tanganyika.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand shillings.

6.-(1) The Minister may, by an order published in the *Gazette*, and subject to such conditions as he may specify in the order, exempt any foreign lottery from the provisions of this Part.

Exemption

(2) Where an order is made under subsection (1), the lottery to which such order relates shall, as from the date of the coming into operation of the order, cease to be a foreign lottery for the purposes of this Act.

PART III

CONTROL, LICENSING AND TAXATION OF LOCAL POOLS

- 7.** In this Part, unless the context otherwise requires, "pool" means a local pool.
- 8.**-(1) No person shall promote a pool except under and in accordance with the terms and conditions of a promoter's licence issued under this Part.
- (2) No person shall receive or negotiate any pool bet on behalf of a promoter or his agent or otherwise act as an agent of a promoter or his agent in respect of any pool except under and in accordance with the terms and conditions of an agent's licence issued under this Part.
- (3) Any person who contravenes any of the provisions of subsection (1) or subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifteen thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.
- 9.**-(1) No person shall-
- (a) print, distribute or send to any other person any coupon in respect of an unauthorized pool; or
- (b) receive a pool bet in respect of an unauthorized pool.
- (2) Any person who contravenes any of the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings.
- 10.**-(1) No person shall print or publish, or cause to be printed or published, any advertisement or other notice of or relating to an unauthorized pool, or of or relating to the issue of any coupon or the amount of any dividend connected with an unauthorized pool:
- Provided that the provisions of this subsection shall not apply to the publication of any such advertisement in a newspaper printed outside Tanganyika and normally circulating within Tanganyika.
- (2) Any person who contravenes any of the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand shillings:
- Provided that no publisher, proprietor, printer or editor or other member of the staff of any newspaper (being a newspaper within the meaning of the Newspapers Ordinance) shall be guilty of an offence under this section if he furnishes to an authorized officer or to a police officer the name and address of the person who caused such advertisement to be published.
- 11.**-(1) An authorized Officer may in his discretion, and, subject to any regulations made under this Act, upon such terms and conditions as he may think fit, issue any of the following licences:-
- (a) a Promoter's licence authorizing the holder to Promote a pool;
- (b) an agent's licence authorizing the holder to act as an agent of a Promoter of a pool.
- (2) No licence issued under this section shall, unless otherwise stated therein, be applicable to more than one pool, promoter or agent:

Interpretation

Promoters and agents of local Pools to be licensed

Certain prohibitions relating to unauthorized local pools

Control of advertisements relating to local pools

Cap. 229

Licensing of the local pools

Provided that for the purposes of this subsection, more than one pool relating to the same sport and promoted by the same promoter, in respect of games, races or events which take place on the same day or on the same series of days, shall, if such pools are customarily provided for in one coupon and if the authorized officer acting in his discretion so approves, be treated as one pool.

(3) There shall be paid for every licence issued under this section such fee as may be prescribed.

(4) Every licence issued under the provisions of this section shall, unless therein otherwise provided, expire on thirtieth day of June following the day of issue:

Provided that the authorized officer may at any time, in his discretion, cancel any licence issued under this section if he is satisfied that any of the conditions upon which it was granted have been contravened.

(5) Any person aggrieved by a refusal to grant a licence, or by the terms and conditions of any licence, or by the cancellation of any licence, or by the refusal of the authorized officer to treat more than one pool as one pool for the purposes of subsection (2), may, within thirty days of such refusal, terms and conditions, or cancellation being notified to him, appeal to the Minister, and the Minister shall give such decision as he shall think fit and the authorized officer shall forthwith give effect thereto.

(6) The decision of the Minister on an appeal under subsection (5) shall be final and shall not be subject to review in any court.

(7) The issue and cancellation of every promoter's licence shall be notified in the Gazette.

12.-(1) There shall be charged, levied and paid on every receipt of a pool bet, a tax equal to ten per centum of the gross amount of the receipt:

Tax on pool
betting

Provided that no pool bet shall be liable to the tax more than once, notwithstanding that it is received by more than one person in the course of its transmission to or to the account of the promoter.

(2) For the purposes of subsection (1), if any money or credit held by a promoter or agent on account of any person is appropriated to a pool bet, such appropriation shall be deemed to be a receipt.

(3) The tax shall be paid by such persons, within such periods or intervals and in such manner as may be prescribed.

(4) The Minister may, by notice in the *Gazette*, exempt from the tax any specified pool bet or any specified class of pool bets, whether relating to a particular pool or not.

(5) Any person who being liable to pay pool tax fails to pay the tax within thirty days after the same has become due shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

Penalty for late payment

13. Any person who, fails to pay the whole of the tax due from him within such time as may be prescribed, shall be liable to pay in addition to the amount in default, a penalty equal to five per centum of the said amount for each week, or part thereof, that the fault continues.

Tax recoverable as debt

14. The tax, and any penalty in respect thereof, shall be deemed to be a debt due to the Government, and may be sued for and recovered with full costs of suit by and in the name of an authorized officer.

PART IV

CONTROL AND LICENSING OF LOCAL LOTTERIES

Interpretation

15. In this Part, unless the context otherwise requires-
"lottery" means a local lottery.

Promoters of local lotteries to be licensed

16.-(1) No person shall promote, manage or conduct a lottery except under and in accordance with the terms and conditions of a permit issued under this Part.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding one year or to both such fine and such imprisonment.

Certain prohibitions in relation to unauthorized local lotteries

17.-(1) No person shall-

- (a) sell, offer to sell, expose for sale, print, distribute or send to another person any lottery ticket in respect of an unauthorized lottery;
- (b) conduct or manage an unauthorized lottery;
or
- (c) receive any stake or wager in respect of an unauthorized lottery.

(2) Any person who contravenes any of the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings.

Control of advertisements relating to local lotteries

18.-(1) No person shall print or publish or cause to be printed or published any advertisement of or relating to an unauthorized lottery, or of or relating to the issue of any lottery ticket or the amount or nature of any dividend or prize connected with an unauthorized lottery:

Provided that the provisions of this subsection shall not apply to the publication of any such advertisement in a newspaper printed outside Tanganyika and normally circulating within Tanganyika.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand shillings:

Provided that no publisher, proprietor, printer or editor or other member of the staff of any newspaper (being a newspaper within the meaning of the Newspapers Ordinance) shall be guilty of an offence under this section if he furnishes to the Director or to a police officer the name and address of the person who caused such advertisement to be published.

Cap. 229

19.-(1) The Director may in his discretion, and, subject to any regulations made under this Act, upon such terms and conditions as he may think fit, grant any person a permit to promote a lottery.

Licensing
of local
lotteries

(2) No permit issued under this section shall, unless otherwise stated therein, be applicable to more than one lottery or promoter:

Provided that two or more lotteries promoted by the same promoter which take place on the same day or on the same series of days may, if the Director thinks it reasonable to do so, be treated as one lottery for the purposes of this section.

(3) There shall be paid for every permit granted under this section such fee as may be prescribed.

(4) The Director may cancel any permit granted by him under this section if he is satisfied that any of the conditions upon which it was granted have been contravened.

(5) Any person aggrieved by a refusal to grant a permit, or by the terms and conditions of any permit, or by the cancellation of any permit, or by the refusal of the Director to treat more than one lottery as one lottery for the purposes of this section, may, within fifteen days of such refusal, terms and conditions or cancellation being notified to him, appeal to the Minister, and the Minister shall give such decision as he shall think fit, and the Director shall forthwith give effect thereto.

(6) The decision of the Minister on an appeal under subsection (5) shall be final and shall not be subject to review in any court.

PART V

GENERAL

20.-(1) It shall be lawful for an authorized officer, on production of his authority, if so required, or for any police officer of or above the rank of sub-inspector, to enter without warrant and inspect any premises in which he has reason to believe that an offence against this Act or against any regulations made thereunder has been or is about to be committed, and therein to-

Power of
inspection

- (a) examine and take copies of any books, accounts or documents relating to or appearing to relate to any pool, pool betting or lottery;
- (b) seize, remove and detain any book, account or document which he has reasonable cause to suppose will afford evidence of any offence against this Act or against any regulations made thereunder;
- (c) require any occupant of such premises to render such explanations and give such information relating to any pool, pool betting or lottery as may be reasonably required by such officer in the performance of his duties.

(2) The power to act under subsection (1) shall only be exercised without a warrant if the officer so acting has reasonable cause to believe that the delay occasioned in obtaining a search warrant would seriously hinder him in the performance of his duties, and such power shall be exercised only by or under the directions of a police officer of the rank of sub-inspector or above unless the person exercising it has reasonable cause to believe that the delay occasioned in summoning such police officer would, or would tend to, defeat the purposes of this section.

(3) Any person who obstructs or hinders an officer's action in pursuance of any of the provisions of this section or who on any requisition under paragraph (c) of subsection (1) wilfully withholds any information, or gives any information knowing or having reason to believe it to be false or misleading, shall be guilty of an offence and shall be liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment:

Provided that no person may be required to answer any question the answer to which may tend to expose him to any criminal charge, penalty or forfeiture.

(4) Before removing any article under the provisions of paragraph (b) of subsection (1) of this section, the officer removing it shall furnish the person in whose custody or possession the article is at the time of removal with a written receipt therefor.

(5) Every seizure under this section shall be reported without unnecessary delay to a magistrate.

Offences
relating to
books and
tax

21. Any person who-

- (a) knowingly or recklessly keeps any book, record or account, required to be kept by any regulation made under this Act, which is false in a material particular, or makes or causes to be made in any such book, record or account or in any return required by any such regulation to be made, any entry which is false in a material particular; or
- (b) does any fraudulent act with intent to evade or to assist any other person to evade any tax or licence fee or permit fee payable under this Act,

shall be guilty of an offence and shall be liable to a fine not exceeding fifteen thousand shillings or to imprisonment for a term not exceeding two years, or to both such fine and such imprisonment.

Burden of
proof

22. Where any person is charged with an offence under Part II relating to a foreign pool or lottery the burden of proving that the pool or lottery to which the charge relates was not, at the relevant time, a foreign pool or lottery shall be on the person alleging the same.

- 23.** Where any person is convicted of an offence under Part II by a court other than High Court the court may, notwithstanding the provisions of section 7 of the Criminal Procedure Code, impose a penalty not exceeding the maximum penalty prescribed for such offence. Court may impose maximum penalty in certain cases Cap. 20
- 24.** The Minister may make regulations generally for the better carrying out of the purposes of this Act and, without prejudice to the foregoing, may make regulations- Regulations
- (a) prescribing fees for licences and permits issued under this Act;
 - (b) Prescribing forms of licences and permits;
 - (c) prescribing forms of applications for licences and permits;
 - (d) prescribing the time when, the manner in which, and the persons by whom, the pool tax shall be paid and also the manner in which payment of pool tax shall be secured;
 - (e) providing for the keeping of books, records and accounts by promoters and agents,
 - (f) requiring promoters and agents to submit returns;
 - (g) requiring books, records, accounts and returns to be audited and prescribing the manner in which, and the persons by whom, the same may be audited;
 - (h) prescribing the terms and conditions which shall be attached to licences for local pools and permits for local lotteries;
 - (i) prescribing anything which, under the provisions of this Act, may be prescribed.
- 25.** The Penal Code is hereby amended by repealing section 173. Penal Code amended Cap. 16
- 26.** The Criminal Procedure Code is hereby amended in the First Schedule thereto by deleting from Part A the entry relating to section 173 of the Penal Code. Criminal procedure Code amended
- 27.** The Pools Ordinance is hereby repealed. The Pools Ordinance repealed Cap. 440
- 28.** Every local lottery the promotion of which has been authorized under the provisions of section 173 of the Penal Code immediately before the commencement of this Act shall be deemed to be a local lottery in respect of which a permit has been granted under Part IV and the terms and conditions subject to which such authority has been given shall operate in the same manner as if they were terms and conditions annexed to a permit granted under Part IV. Saving of local lotteries authorized under section 173 of the Penal Code

Refund of
fees

29. Where immediately before the commencement of this Act any person is the holder of a valid promoter's licence, principal agent's licence or agent's licence in respect of a foreign pool granted to him under the provisions of the Pools Ordinance, the Government shall refund to such person such amount of the fee paid by him for the licence as is in proportion to the term of the licence remaining unexpired at the commencement of this Act.

Passed in the National Assembly on the nineteenth day of July, 1967.


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Clerk of the National Assembly