

MALAYSIA

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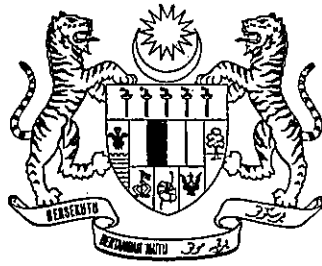
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*TAMBAHAN No. 14  
AKTA*

Undang-undang semakan yang berikut adalah dengan ini diterbitkan menurut seksyen 10 (1) Akta Penyemakan Undang-undang 1968 (Akta 1):

The following revised law is hereby published pursuant to section 10 (1) of the Revision of Laws Act 1968 (Act 1):

No.	Tajuk ringkas
Act 252 ...	Social and Welfare Services Lotteries Board Act 1950-1962.



# **LAWS OF MALAYSIA**

**Act 252**

**SOCIAL AND WELFARE SERVICES LOTTERIES  
BOARD ACT 1950-1962**

**(Revised—1981)**

Revised up to ... .. 29th April 1981

Date appointed for coming  
into force ... .. 15th August 1981

Date of publication in *Gazette* 23rd July 1981

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Consolidates—

- (a) F.M. Ordinance No. 9 of 1950 enacted in 1950 (reprinted in 1966);
- (b) F.M. Ordinance No. 64 of 1950 enacted in 1950 (reprinted in 1966); and
- (c) Act No. 21 of 1962 enacted in 1962 (reprinted in 1966).

**LAWS OF MALAYSIA****Act 252****SOCIAL AND WELFARE SERVICES LOTTERIES  
BOARD ACT 1950-1962****(Revised—1981)**

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**ARRANGEMENT OF SECTIONS**

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ACT 252

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LAWS OF MALAYSIA

Act 252

SOCIAL AND WELFARE SERVICES LOTTERIES  
BOARD ACT 1950-1962

(Revised—1981)

An Act to establish a Social and Welfare Services Lotteries Board, to authorize the promotion by such Board of public lotteries for social and welfare purposes and the payment of all sums, raised by lotteries into the Consolidated Fund, to provide for payment out of that Fund of equivalent sums for purposes specified in the Act, and to provide for other matters incidental thereto.

[*West Malaysia—11th December 1950;*  
*Sabah and Sarawak—6th July 1966.*]

[P.U.  
300/66.]

1. This Act may be cited as the Social and Welfare Services Lotteries Board Act 1950-1962.

Short title.  
[*Am. Act*  
21/62.]

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

Interpreta-  
tion.

“Board” means the Social and Welfare Services Lotteries Board established under section 3;

“Chairman” means the Chairman of the Board appointed under section 4 (1) and includes any member of the Board appointed by the Minister to act in place of the Chairman during such time as the Chairman is by reason of absence from the country or illness or for any other reason unable to act;

“Minister” means the Minister charged with the responsibility for social welfare;

[*Ins. L.N.*  
332/58.]

“public lottery” means any game method or device whereby money or money’s worth is distributed or allotted in any manner depending upon or to be determined by chance or lot and to which the public or any class of the public has or may have access.

Establishment and incorporation of the Social and Welfare Services Lotteries Board.

3. (1) For the purposes of this Act there shall be established a Board which shall be a body corporate under the name of "The Social and Welfare Services Lotteries Board" and shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

[Added Act 84/65.]

(2) For the purpose of providing its own premises the Board may, out of the building fund established under section 14, and with the approval of the Minister of Finance and subject to such restrictions as the Minister of Finance may impose, enter into contracts, acquire and hold movable or immovable property and dispose thereof or otherwise deal therewith:

Provided that nothing in this section shall prevent the Board from building or purchasing or otherwise acquiring premises in excess of its requirement and letting such parts of the premises as are in excess thereof on such terms as the Board may deem it fit.

Constitution of the Board.

4. (1) The Board shall consist of eleven members appointed by the Minister, one of whom he shall appoint as Chairman.

[Ins. F. 30/55.]

(2) Any person appointed to be a member of the Board under subsection (1) shall hold office for a period not exceeding three years but at the expiration of the period of appointment of any member it shall be lawful for the Minister to re-appoint him for a further period not exceeding three years and from time to time thereafter to renew his appointment for a like period.

(3) The Minister may dismiss or suspend any member of the Board and may appoint another person in his place or in place of any member who dies, retires or who, for the time being, is unable to act.

(4) Notwithstanding subsection (1), on the occurrence of any vacancy in the Board, it shall not be necessary for the Minister to fill the vacancy so long as the number of members of the Board is not reduced to less than seven. [Act 21/62, s. 3.]

(5) Five members of the Board shall constitute a quorum at any meeting and all acts, matters or things authorized or required to be done by the Board may be decided by a majority at any meeting at which such a quorum is present.

(6) The Chairman shall, when present, preside at every meeting of the Board, and in his absence such member of the Board as may be chosen by the members present shall preside.

(7) The Chairman or member presiding at a meeting shall have the right to vote on any question and, in the event of the division of votes being equal, he shall also have a casting vote.

(8) All acts done by the Board shall, notwithstanding any vacancy in the Board or that it is afterwards discovered that there was a defect in the appointment of a person purporting to be a member thereof, be as valid as if no such vacancy or defect had existed.

(9) Subject to this section, the Board shall have power to regulate its own procedure at its meetings and to appoint a Secretary of the Board and to provide for the taking and custody of minutes of the meetings of the Board.

5. (1) The common seal of the Board shall bear such device as the Board may approve and the Board may from time to time break, change, alter and make anew such seal as it may think fit.

Common  
Seal.

(2) The common seal of the Board shall be kept in the custody of the Chairman and shall not be affixed to any instrument except in the presence of the Chairman and two other members of the Board, who shall sign their names to the instrument in token of their presence and such signing shall be sufficient evidence that such seal was duly and properly affixed and that the same is the lawful seal of the Board.

6. (1) The Board may appoint such officers and servants as it may consider to be necessary for the due performance of the duties and functions of the Board.

Officers and  
servants of  
the Board.

(2) The officers and servants of the Board shall receive out of the funds raised by the Board such remuneration and allowances as may be approved by the Minister.

(3) Every member, officer or servant of the Board shall be deemed to be a public servant within the meaning of the Penal Code.

(4) The Board may, out of the loan fund established under section 14, grant loans to its officers and servants for the purpose of assisting them to own, build, purchase or otherwise acquire houses for their living accommodations or those of their families; and the Board may secure such loans by imposing such terms and conditions, including the placing of the properties so acquired on mortgage to the Board, as the Minister of Finance may approve; and in the event of the officers and servants being unable to repay the loans, the Board may, subject to the discretion of the Minister of Finance, realise or otherwise dispose of the mortgage.

7. (1) Subject to this Act it shall be lawful for the Board, its members, officers and servants, notwithstanding any other written law to the contrary, to hold, promote, organise and administer such public lotteries as the Board may be permitted to promote under subsection (2) and to write, print, publish, advertise, sell or distribute tickets or chances in any such lottery and to do all such other things as may be incidental to or necessary for the promotion or administration thereof.

(2) The Minister may, from time to time, by order permit the Board to promote a public lottery.

(3) The Minister may, subject to this Act and of any rules made thereunder, by such order impose such conditions and limitations upon the Board in respect of the promotion and administration of any lottery thereby permitted as he may think fit.

(4) Every order made under this section shall be published in the *Gazette*, as soon as practicable after the making thereof.

(5) The Minister may at any time revoke or amend any order made under this section.

(6) The power conferred on the Minister under subsections (3) and (5) to impose conditions and limitations upon the Board in respect of the promotion and administration of any lottery under this Act shall be exercised by the Minister with the concurrence of the Treasury. [Act 21/62, s. 4.]

F.M.S.  
Cap 45.  
Added Act  
34/65.]

Power of  
Board to  
promote  
lotteries  
permitted  
by the  
Minister.

[Am. Act  
21/62.]

8. (1) The Board shall, upon the promotion of any lottery under this Act, cause to be published in the *Gazette*, or in such other manner as the Minister may direct, a prospectus of such lottery which shall set forth—

Prospectus of lottery to be published. [Am. Act 21/62.]

- (a) the prizes offered therein;
- (b) the number of tickets or chances therein to be offered for sale and the prices and denominations of such tickets or chances;
- (c) the opening and closing dates for the sale of tickets or chances therein;
- (d) the times, places and manner at or in which the winners of prizes therein will be determined;
- (e) the conditions subject to which any tickets or chances therein will be offered for sale and in accordance with which such lottery will be conducted;
- (f) such other matters as may be prescribed.

(2) No tickets or chances in any lottery shall be sold or distributed at any time before the expiration of a period of one month after the date of the publication of such prospectus relating thereto.

9. (1) No tickets or chances in any lottery promoted by the Board under this Act shall be sold or distributed otherwise than on behalf of the Board and either—

Tickets and chances in a lottery to be sold, etc., only through the Postal Services. [Sub. F.M. Ord. 63/51; Am. P.U. (B) 324/70.] Act 211.

- (a) by a person authorized in writing in that behalf by the Director General of Posts and at a Post Office or through a Postal Agency established under the Post Office Act, 1947; or
- (b) by a person authorized in writing in that behalf by the Chairman of the Board and at such place or places as the Chairman of the Board may, by notification in the *Gazette*, specify.

(2) Any person who sells or offers for sale or distributes or attempts to distribute or who buys or offers to buy or obtains or attempts to obtain any ticket or chance in a lottery in contravention of subsection (1) or who is found without lawful excuse in possession of any ticket or other document entitling any person to a chance in such lottery which has been bought or obtained in contravention of such subsection shall be guilty of an offence against this Act.

Proceeds  
of sums  
raised by  
lotteries.

10. (1) All sums raised by any lottery, the prospectus of which was issued under this Act shall, subject to the following deductions, that is to say—

- (a) the amount paid out of the said lottery as prizes;
- (b) the payment of duties under section 20;
- (c) all costs, charges and expenses incurred by the Board in the promotion and administration of the said lottery;
- (d) any sum paid into the Reserve Fund established under section 13;
- (e) such amounts in respect of the general administrative or other expenses incurred by the Board in carrying out its functions under the Act, as, subject to the approval of the Minister of Finance, it may think reasonable; and
- (f) any sums paid into the building or loan funds established under section 14,

be paid into and form part of the Consolidated Fund.

(2) There shall in each year be made, out of moneys appropriated by Parliament, payments, for the purposes hereinafter specified, of aggregate amounts equalling, taking one year with another, the amounts paid into the Consolidated Fund under subsection (1).

(3) If the Board is dissolved, the balance of the Reserve Fund, after payment of all liabilities of the Board, shall be paid into and form part of the Consolidated Fund and subsection (2) shall apply to amounts paid into the Consolidated Fund under this subsection as they apply to amounts paid into that Fund under subsection (1).

(4) The payments made under subsection (2) may be made for the purposes of giving aid to any public, philanthropic, charitable, religious or educational organisation, institution or body or of carrying out any philanthropic, charitable, religious or educational scheme or project or any work beneficial to the public, or for the improvement of the social condition, or for the advancement of the welfare, of the public or any class thereof. [Act 21/62, s. 5.]

[Added  
Act 84/65.]

11. (1) The Board shall keep or cause to be kept books which shall contain true and regular accounts of all receipts, deductions and payments of the Board, and the said books shall at all reasonable times be open to inspection by any member of the Board and by the auditor appointed by the Minister of Finance and by any other person authorized by the Minister of Finance to inspect the same. [Act 21/62, s. 6.]

General accounts of the Board and audit. [Am. Act 21/62.]

(2) The accounts of the Board shall be audited at least once in every year by an auditor appointed in that behalf by the Minister of Finance and a copy of such accounts so audited shall be submitted by the Board to the Minister of Finance who shall cause the same to be published in the *Gazette*.

12. (1) The Board shall prepare within three months of the date upon which the winners of prizes in a lottery were determined, a completed account in respect of such lottery showing the total amount raised thereby, the amount of the prizes paid out in respect thereof, the costs, charges and expenses and deductions made by the Board in respect thereof.

Special accounts in respect of each lottery. [Am. Act 21/62.]

(2) Every such account shall be audited by the auditor appointed under section 11 (2) and a copy of such account, so audited, shall be submitted forthwith by the Board to the Minister of Finance who shall cause the same to be published in the *Gazette*.

13. (1) The Board may establish a Reserve Fund, of such amount as the Minister of Finance may approve, for the purpose of meeting any present, future or contingent liabilities incurred or likely to be incurred by the Board in carrying out its duties under this Act or in promoting or administering any lottery which it is or may be permitted to promote under this Act, and may pay into such Fund from time to time, subject to the approval of the Minister of Finance, out of any sums received by it in respect of any lottery such sums as may be necessary for the maintenance of such Fund at the approved amount.

Reserve fund.

(2) Where, as a result of moneys in the Reserve Fund being deposited in any bank, the total of the amount of such moneys exceeds the amount approved by the

[Am. Act 21/62; 84/65.]

Minister of Finance, then unless that Minister otherwise directs, such excess shall be paid into the Consolidated Fund.

Establishment of building fund and loan fund.  
[Ins. Act 84/65.]

**14.** (1) The Board may, out of the moneys raised by each lottery, establish the following funds—

- (a) a building fund to be expended for the purpose of owning, building, purchasing or otherwise acquiring its own premises in accordance with section 3; and
- (b) a loan fund to be expended for the purpose of granting housing loans to its officers and servants in accordance with section 6.

(2) Each fund shall be of such amount as may be approved by the Minister of Finance, and the Board may, out of the moneys raised by each lottery, pay into each fund such sums as may be determined by the Minister.

Lotteries to be promoted and administered in accordance with Act, rules, the order permitting the same, and the prospectus.

**15.** (1) No lottery shall be promoted or administered by the Board otherwise than in accordance with this Act and of any rules made thereunder relating thereto, and of the terms and conditions of the order made under section 7 permitting such lottery, or otherwise than in accordance with the prospectus relating to such lottery published by the Board under the provisions of section 8.

(2) Any member, officer, servant or agent of the Board acting or attempting to act in contravention of the provisions of this section shall be guilty of an offence against this Act.

(3) Any person abetting the commission of an offence under subsection (2) shall be guilty of an offence against this Act.

Other betting and gaming laws not to apply to lotteries promoted under this Act.  
[Mod. P.U. 300/66.]

**16.** Nothing contained in any other law relating to betting or gaming in force in any State, and no restriction or prohibition on the importation of goods or the sending of articles through the post in Sabah or Sarawak, as the case may be, shall apply to any lottery promoted by the Board under this Act or to any ticket or other document sold or distributed in connection with any such lottery by or on behalf of the Board.

## 17. Any person who—

Offences.

- (a) sells or distributes or permits to be sold or distributed any ticket or chance in any lottery promoted by the Board otherwise than in accordance with this Act or of any rules made thereunder relating to such lottery or with the provisions of any order or prospectus relating thereto;
- (b) being an agent, officer or servant of any person fails to account to his principal for any sums received on sale or by commission or otherwise in respect of the sale or distribution of any such ticket or chance; or
- (c) with intent to deceive, makes any false entry or omits to make any entry required to be made in respect of any lottery in any book required under this Act to be kept in respect of such lottery;

shall be guilty of an offence against this Act and shall, on conviction, be liable to a fine not exceeding five thousand ringgit, or to imprisonment for a term not exceeding two years, or to both.

18. Any person guilty of an offence against this Act for which no other penalty is specifically provided shall, on conviction, be liable to a fine not exceeding one thousand ringgit, or to imprisonment for a term not exceeding one year, or to both.

General penalty.

19. A Sessions Court or a Court of a First Class Magistrate shall have power to try any offence against this Act committed within the local jurisdiction of such Court and a Sessions Court may impose the full penalty provided by this Act, notwithstanding any other written law to the contrary.

Jurisdiction of Sessions and First Class Magistrate's Courts.

20. There shall be charged upon the total amount raised by each lottery promoted by the Board under section 8 a duty of such per centum of the said total amount as the Minister of Finance may from time to time fix by order published in the *Gazette*; the said duty shall be payable by the Board into the Consolidated Fund of the Federation.

Duty. [Sub. F.M. Ord. 57/56; Act 65.]

Muslims  
and this  
Act.

21. It is hereby declared that nothing contained in this Act, or any rule, regulation or order made thereunder shall be deemed to require any Muslim to do any act contrary to his religion. [F.M. Ord. 64/50, s. 2.]

Rules.  
[Am.  
Act 21/62.]

22. The Yang di-Pertuan Agong may make rules—

- (a) prescribing anything required to be or which may be prescribed under this Act;
- (b) regulating the conduct and administration of any lottery promoted under this Act including the sale and distribution of tickets or chances, the form, printing and serial numbering of such tickets or chances, the drawing of prizes, the commission (if any) to be paid on the sale or distribution of tickets or chances;
- (c) prescribing the manner in which accounts required under this Act shall be kept and audited;
- (d) prescribing any other matter which may be necessary for the purpose of carrying this Act into effect and for the purpose of ensuring the honest and satisfactory management of any lottery promoted under this Act and the due application of all funds raised by such lottery.

## LAWS OF MALAYSIA

## Act 252

SOCIAL AND WELFARE SERVICES LOTTERIES  
BOARD ACT 1950-1962

(Revised—1981)

*Particulars under section 7 (ii) and (iii) of the Revision  
of Laws Act, 1968 (Act 1)*

## LIST OF AMENDMENTS

Amending law	Short title	In force from
F.M. 64/1950 ...	Social and Welfare Services Lotteries Board (Clarification) Ordinance, 1950	11-12-1950
F.M. 63/1951 ...	Social and Welfare Services Lotteries Board (Amendment) Ordinance, 1951	31-12-1951
F.M. 30/1955 ...	Social and Welfare Services Lotteries Board (Amendment) Ordinance, 1955	10-11-1955
L.N. 113/1956 ...	Minister of Finance Order, 1956	2-4-1956
F.M. 57/1956 ...	Finance Ordinance, 1956 ...	7-11-1956 & 1-1-1957
L.N. 332/1958 ...	Federal Constitution (Modification of Laws) (Ordinances and Proclamation) Order, 1958	13-11-1958
Act 21/1962 ...	Social and Welfare Services Lotteries Board Act, 1962	1-7-1962
Act 84/1965 ...	Social and Welfare Services Lotteries Board (Amendment) Act, 1965	9-11-1965
P.U. 300/66 ...	Modification of Laws (Social and Welfare Services Lotteries Board) (Borneo States) (Extension and Modification) Order, 1966	6-7-1966

[List of Amendments]

16	ACT 252	
Amending law	Short title	In force from
P.U. (B) 324/70 ...	Titles of Office—Notification	1-1-1971
Act 65 ... ..	Gaming Tax Act, 1972 ...	1-3-1972
Act 160 ... ..	Malaysian Currency (Ringgit) Act, 1975	29-8-1975

LIST OF LAWS OR PARTS THEREOF SUPERSEDED

No.	Title
F.M. Ordinance No. 9 of 1950	Social and Welfare Services Lotteries Board Ordinance, 1950.
F.M. Ordinance No. 64 of 1950	Social and Welfare Services Lotteries Board (Clarification) Ordinance, 1950.
Act No. 21 of 1962 ...	Social and Welfare Services Lotteries Board Act, 1962.