

Government Lottery Office Act, B.E. 2517 (1974)

Translation

BHUMIBOL ADULYADEJ, REX
Given on 11th September B.E. 2517;
Being the 29th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:
Whereas it is expedient to have a law on establishment of a government lottery office;
Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly, as follows:

Section 1

This Act is called the "Government Lottery Office Act, B.E. 2517 (1974)".

Section 2

This Act shall come into force as from 1st October B.E. 2517.

Section 3

In this Act,

"Committee" means the Government Lottery Committee;

"Director" means the Director of the Government Lottery Office;

"Officer" means an officer of the Government Lottery Office and includes the Director;

"Employee" means an employee of the Government Lottery Office;

"Minister" means the Minister having charge and control of the execution of this Act.

Section 4

The Minister of Finance shall have charge and control of the execution of this Act.

CHAPTER 1

Establishment and Objectives

Section 5

There shall be established a lottery office called the "Government Lottery Office" having the following objectives:

- (1) issuing government lottery tickets;
- (2) managing the printing office to facilitate the printing of government lottery tickets or such other printed materials as approved by the Committee;
- (3) carrying out any other activities pertaining or beneficial to the operation of activities of the Government Lottery Office.

Section 6

The Government Lottery Office shall be a juristic person.

Section 7

The Government Lottery Office shall have its principal office in Bangkok Metropolis.

Section 8

All activities, property, rights, liabilities, officers and employees of the Government Lottery Bureau of the Ministry of Finance shall be transferred to the Government Lottery Office.

As for the property transferred under paragraph one, the Government Lottery Office shall set aside cash in the amount only to cover the payment of obligations, and the remainder shall be remitted as State revenue.

Section 9

The Government Lottery Office shall have the power to carry out the activities within the scope of its objectives under Section 5. Such power shall include purchasing, procuring, disposing of, hiring, letting, selling on a hire-purchase basis, exchanging, holding ownership of, possessing and dealing with property and any other claims.

CHAPTER 2

Supervision, Control and Management

Section 10

The Minister shall be charged with the general supervision of the Government Lottery Office and, for this purpose, may order the Government Lottery Office to give statements of fact or opinion, to submit reports, to carry out or refrain from carrying out any act in compliance with the Government policies or resolutions of the Council of Ministers, and has the power to inquire into facts relating to its activities.

Section 11

There shall be a Committee of the Government Lottery Office to be called the "Government Lottery Committee" composing of the Permanent Secretary for Finance as Chairman, representative of the Ministry of Interior, representative of the Comptroller-General's Department, representative of the Budget Bureau, representative of the Social Welfare Council of Thailand, Director and not more than three other persons appointed by the Council of Ministers, as members.

The members appointed by the Council of Ministers shall be in office for a term of two years and may be re-appointed.

The Committee may appoint one of its members or any person a Secretary to the Committee.

Section 12

The Chairman and members of the Committee may receive remuneration as prescribed by the Council of Ministers.

Section 13

The Committee shall have the power and duty to control and supervise the activities, and to lay down policies of the Government Lottery Office in compliance with its objectives. Such power and duty shall include:

- (1) issuing rules or regulations with a view to fulfilling the objectives;
- (2) issuing rules or regulations on the meeting;
- (3) issuing rules or regulations on the organization and execution of works;
- (4) prescribing positions, rates of salaries, welfare and aids for officers and employees;
- (5) issuing rules or regulations governing recruitment, appointment, promotion of salary, removal from office, disciplinary measures and punishments for officers and employees as well as granting the right to appeal against punishment to officers and employees;
- (6) issuing rules or regulations governing payment of transportation expenses, traveling allowances, rent for lodgings, overtime pay and other expenses;
- (7) prescribing the price, method of sale and selection of Government lottery selling agents;
- (8) issuing rules or regulations governing purchase and employment;
- (9) considering and approving the annual budget;
- (10) issuing regulations governing payment of gratuities, welfare fund and aid fund to officers and employees as well as management in respect of officers and employees' gratuity fund, welfare fund and aid fund.

Section 14

The Committee shall appoint the Director and determine his salary with the approval of the Council of Ministers.

Section 15

A person under any of the following descriptions shall be prohibited from becoming the Director:

- (1) having direct or indirect interest in any business done with the Government Lottery Office;
- (2) being a government official or employee either attached to the central administration, provincial administration, or local administration, or an official or employee of any State enterprise;
- (3) holding a political position or being a member of the assembly in charge of legislative functions or local administration;
- (4) being unable to devote full time to the services of the Government Lottery Office;
- (5) being a bankrupt;
- (6) having been imprisoned by a final judgment of imprisonment, except for an offence committed through negligence or a petty offence;
- (7) being over sixty years of age.

Section 16

The Director vacates office upon:

- (1) death;
- (2) resignation;
- (3) being prohibited under Section 15; or
- (4) being removed from office by the Committee with the approval of the Council of Ministers.

Section 17

The Director is charged with the administration of the activities in accordance with the objectives, rules and regulations of the Government Lottery Office and has the power to control and supervise officers and employees.

Section 18

The Director has the power:

- (1) to recruit, appoint, increase salaries for or impose disciplinary punishment on officers and employees as well as to remove them from office, provided that in the case where such officer or employee is of the rank of chief of a Division or equivalent thereto upward, an approval must be obtained from the Committee;
- (2) to prescribe rules and methods of execution of works for officers and employees; provided that they shall not be contrary to or inconsistent with the rules and regulations of the Government Lottery Office.

Section 19

In activities dealing with third persons, the Director shall have the power to act on behalf of the Government Lottery Office, but the Director may authorize any person to conduct any specific act on his behalf.

In respect of the authorization under paragraph one, if the person so authorized is not an officer, an approval must be obtained from the Committee.

Section 20

Whenever the Director is unable to perform his duties or his office is vacant and the Director has not yet been appointed, the Committee shall appoint an officer to be acting Director or to be in charge of Director, as the case may be, and Section 15 shall apply *mutatis mutandis*.

The acting Director or person in charge of Director shall have the same powers and duties as the Director, except those powers and duties of the Director in the capacity of member of the Committee.

Section 21

The Chairman, members of the Committee, officers and employees may receive bonus according to the rules prescribed by the Council of Ministers.

CHAPTER 3

Finance, Accounting and Auditing

Section 22

The proceeds received by the Government Lottery Office from the sale of government lottery tickets shall be allocated as follows:

- (1) sixty percent as prizes;
- (2) not less than twenty-eight per cent as State revenue;
- (3) not exceeding twelve per cent as expenditure on administration inclusive of the expenses in respect of the sale of government lottery tickets.

Section 23

The proceeds received by the Government Lottery Office other than those received under Section 22 shall be appropriated as expenditure on administration.

Section 24

Fruits arising from the money under Section 22 (1) and (2) shall be remitted as State revenue while fruits arising from the money under Section 22 (3) shall be allocated for expenditure on administration.

Section 25

The expenses in respect of the sale of government lottery tickets which are part of the expenditure on administration under Section 22 (3) shall be prescribed by the Committee with the approval of the Minister.

Section 26

In respect of money allocated for payment of the prizes under Section 22 (1), if the person entitled to claim the prizes does not apply for them within the period prescribed under Section 37, it shall be remitted as State revenue.

Section 27

The remainder of expenditure on administration under Section 22 (3), Section 23 and Section 24, if any, shall be set aside each year by the Government Lottery Office as reserve not exceeding fifty per cent, and the balance thereof shall be remitted as State revenue.

Whenever the Minister considers that the money set aside as reserve under paragraph one is an excessive amount or beyond what is necessary, the Minister himself or with the advice of the Committee has the power to give an order reducing such reserve to an amount as he may deem appropriate. In such a case, the Government Lottery Office shall remit the money in excess of the amount prescribed by the Minister as State revenue.

Section 28

The Government Lottery Office shall open a deposit account with a bank which is State enterprise.

Section 29

The Government Lottery Office shall prepare an annual budget classified into annual revenue and expenditure on operation.

The expenditure on operation shall be divided into capital expenditure and working expenditure. The capital expenditure shall be submitted to the Council of Ministers for consideration and approval, while the working expenditure shall be submitted to the Council of Ministers for information.

Section 30

The Government Lottery Office shall set up and maintain an appropriate system of accounts. There shall be entries of receipts and payments of money, assets and liabilities, which show the true and appropriate standing with respect to categories of such money together with the sources of particulars for the said entries, and are subjected to internal audit at regular intervals.

Section 31

The Government Lottery Office shall prepare and submit a balance-sheet and receipts and expenditure accounts to the auditor within one hundred and twenty days after the end of the accounting year.

Section 32

The State Audit Council shall audit, examine and approve all categories of accounts and finance of the Government Lottery Office.

Section 33

The auditor has the power and duties to examine all books of accounts and documents of the Government Lottery Office. For this purpose, he shall have the power to interrogate the Chairman, members of the Committee, officers and employees of the Government Lottery Office.

Section 34

The auditor must submit a report on the result of auditing with respect to the accounts and financial standing to the Committee within one hundred and sixty-five days after the end of the accounting year in order that it may be submitted by the Committee to the Minister.

Section 35

The Government Lottery Office may sell government lottery tickets by itself or may appoint a person or person's agent or agents for selling them either in whole or in part.

In the case where contribution is made to the government by any selling agent, the Government Lottery Office shall remit it as State revenue.

CHAPTER 4

Obligations and Prescription

Section 36

The Government lottery tickets issued by the Government Lottery Office under this Act shall be regarded as those issued under the authorization of the Government and consequently obligations arising from the said lottery tickets shall be treated as lawful obligations; and the issue of the said lottery tickets shall be regarded as that licensed and sealed by the competent official under the law on gambling and exempted from the payment of fee and tax under such law.

Section 37

The period of prescription for a claim for the performance of obligation arising from the issue of government lottery tickets under this Act shall be two years.

CHAPTER 5 Aids for Officers and Employees

Section 38

The Government Lottery Office shall provide the gratuity fund officers and employees, welfare fund, or other aid funds for the welfare of officers and employees upon their retirement, accident, sickness, or other deserving aids.

The provision of the gratuity fund for officers and employees, welfare fund or other aid funds under paragraph one, rules for payment of the gratuity fund for officers and employees, contribution, classification of persons who may receive aids, payment of the welfare fund and aid funds as well as the administration of the funds shall be in accordance with the regulations prescribed by the Committee with the approval of the Minister.

CHAPTER 6 Penalty Provisions

Section 39

Any person who offers to sell or sells a government lottery ticket issued under this Act while the winning prizes of which have not yet been drawn at a price higher than that specified on the lottery ticket shall be liable to a fine not exceeding two thousand Baht.

Transitory Provisions

Section 40

All rules, regulations and orders of the Government Lottery Bureau of the Ministry of Finance in so far as they are not contrary to or inconsistent with this Act shall continue to be applicable to officers and employees of the Government Lottery Office until the regulations, rules and orders are issued under this Act.

Countersigned by
Mr. Sanya Dharmasakti
Prime Minister

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