



Benue State of Nigeria Gazette

Published by Authority.

No. 33

MAKURDI - 17th August, 2017

Vol. 42

Benue State Notice No. 33

The following is Published as supplement to this Gazette.

A LAW TO MAKE PROVISIONS FOR THE ESTABLISHMENT OF BENUE STATE SPORTS MARKETING AND LOTTERIES BOARD TO TRANSFORM SPORTS INTO REVENUE YIELDING ENTERPRISE AND REGULATE LOTTERY ACTIVITIES AND FOR PURPOSES CONNECTED THEREWITH.

PRINTED AND PUBLISHED BY THE DIRECTOR, PRINTING SERVICES, MAKURDI. 2406/082017/1,300
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(142)



BENUE STATE OF NIGERIA

No. 8 of 2017

A LAW TO MAKE PROVISIONS FOR THE ESTABLISHMENT OF BENUE STATE SPORTS MARKETING AND LOTTERIES BOARD TO TRANSFORM SPORTS INTO REVENUE YIELDING ENTERPRISE AND REGULATE LOTTERY ACTIVITIES AND FOR PURPOSES CONNECTED THEREWITH.

(15th February, 2017)*Date of Commencement.*

ENACTED by the Benue State House of Assembly as follows:-

1. This Law may be cited as **Benue State Sports Marketing and Lotteries Board Law, 2017** and shall come into force on the 15th day of February, 2017. *Short Title and Commencement.*

2. In this Law:-

“**Allocation**” in relation to documents includes allocation to persons or places within or outside the State;
 “**Attorney-General**” means the State Attorney-General and Commissioner of Justice;
 “**Auditor-General**” means the Auditor-General of the State;
 “**Benue State Lotteries**” means the Lottery conducted under this Law;
 “**Board**” means the State Sports Marketing and Lotteries Board established by this Law;
 “**Chairman**” means Chairman of the Board;
 “**Commissioner**” means the State Commissioner of Youth and Sports Development or any person for the time being acting in that behalf;
 “**Consenting Authority**” means the Authority appointed by the Governor under this Law;
 “**Date**” in relation to lottery means the date in which the winners of the lottery are determined;
 “**Educational Objectives**” shall have the same meaning as in Section 19 of the 1999 Constitution of the Federal Republic of Nigeria (as amended);
 “**Environmental Objectives**” shall have the same meaning as in Section 21 of the 1999 Constitution of the Federal Republic of Nigeria (as amended);

Definition.

“**Social Objectives**” means objectives outlined in the Fundamental objectives and Directive Principle of State Policy in the 1999 Constitution of the Federal Republic of Nigeria (as amended);

“**Society Lottery**” means lottery promoted on behalf of a society which is established and conducted wholly and mainly for one of the following purposes-

- (a) Charitable purposes;
- (b) Participation in or in support of athletics, sports, games or cultural activities;

“**State**” means Benue State of Nigeria;

“**Subscription**” means the payment or delivery of any money, goods, articles, matter or thing, including any ticket, coupon or entry form for the right to compete in a lottery;

“**Ticket**” in relation to a lottery means any symbol, sign, token, coupon, warrant, card, printed paper, document, list, any other means or device which confers or purports to confer the right to take part in a lottery and which is issued by or on behalf of the lottery in question.

PART II: ESTABLISHMENT AND INCORPORATION OF THE BOARD

3. (1) There is hereby established a Board to be known as the Benue State Sports Marketing and Lotteries Board.

*Establishment
of the Board.*

(2) The Board shall-

- (a) be a body corporate with perpetual succession and a common seal;
- (b) have power to sue and be sued in its corporate name; and
- (c) be capable of holding, purchasing, acquiring and disposing of property movable or immovable for the purpose of carrying out its functions under this Law.

4. (1) The Board shall consist of the following members-
- (a) the Chairman, who shall be the Commissioner of Youth and Sports Development;
 - (b) the Alternate Chairman recommended by the operating Company;
 - (c) the Permanent Secretary of the Ministry of Youth and Sports Development;
 - (d) the Permanent Secretary of the Ministry of Finance or his representatives;
 - (e) a representative of the Ministry of Justice with 10 years post call experience;
 - (f) the Chairman, Board of Internal Revenue Service (BIRS) or representative;
 - (g) the Executive Secretary of the Board as Member/Secretary;
 - (h) two members of the public with proven business acumen and experience in matters relating to the functions of the Board nominated by the operating Company;
 - (i) four members to be nominated by the Governor.

*Composition
of the Board.*

- (2) Members of the Board who are ex-officio shall vacate the membership of the Board at the expiration of the offices they hold.
5. A member of the Board shall hold office for such period, not exceeding four years, or as the Governor may determine at the time of his appointment, and may be eligible for reappointment for one further term at the end of his first term of office. *Tenure of office.*
6. Subject to Section 36 of the Constitution, the Governor-
- (a) may suspend any member of the Board on the ground of serious misconduct or prolonged inability to perform the function as a member of the Board;
- (b) shall suspend any of the members of the Board in the event of institution of any criminal proceedings in a court of law on a charge of theft, fraud, forgery, gross misconduct, falsifying a document, perjury or any offence involving dishonesty against such Member;
- (c) shall terminate the appointment of any member of the Board in the event that the member-
- (i) is found guilty by a court of law of contravening this law, for theft, fraud, forgery or falsifying a document, perjury, dishonesty; or
- (ii) offends any of the provisions of this Law. *Suspension / Termination of member of the Board.*
7. The Governor shall fill a vacancy on the Board by appointing another person for the remainder of the period for which the person in respect of whom the vacancy arose, had been appointed. *Filling of vacancy.*
8. A person shall not be appointed or remain a member of the Board unless-
- (a) he is a fit and proper person for such appointment;
- (b) such a person whether personally or through his spouse, or immediate family member, business partner or associate has-
- (i) a direct or indirect financial interest in any lottery or connected activity, or if that person has had any such interest during the period of three years immediately prior to the envisaged date of appointment as a member of the Board; or
- (ii) no interest in any business or enterprise as a share holder, licensee, or prospective licensee that may conflict or interfere with the proper performance of his functions as a member of the Board. *Conditions of membership of the Board.*

- (c) such person -
- (i) becomes insolvent and/or bankrupt;
 - (ii) becomes a political office holder;
 - (iii) been removed from any office of trust on account of misconduct;
 - (iv) at any time been convicted whether in the Federal Republic of Nigeria or elsewhere, of theft, fraud, forgery, gross misconduct, falsifying a document, perjury or any offence involving dishonesty.

- 9.(1) A person who has been nominated for appointment to the Board and who has accepted that nomination, shall prior to his appointment as a member, submit to the Governor a written statement in which he declares whether or not he has any interest provided for in Section 8 (b) (ii), of this Law; *Declaration of interest.*
- (2) If any member of the Board during his term of office acquires or contemplates acquiring an interest which could possibly be an interest envisaged in Section (8) (b) (ii) of this Law, he shall forthwith in writing declare that fact to the Governor and the Board which at its next meeting shall consider whether such an interest constitutes or may constitute a contravention of Section 8 (b) (ii) and take an appropriate decision;
- (3) The Board shall, in writing, inform the Governor of its decision or recommendation envisaged in Sub-section (2) above;
- (4) The Governor shall after consideration of the Board's decision or recommendation, inform the member concerned if the acquisition or contemplated acquisition constitutes an interest envisaged in Section 8 (b) (ii) of this Law or is likely to compromise the impartiality of the Board whereupon that member shall forthwith divest himself of the interest, failing which the Governor shall take appropriate action as provided in Section 6 of this Law.

10. All appointments made pursuant to this Law by the Governor shall be subject to confirmation by the State House of Assembly.

PART III: ADMINISTRATIVE AND FINANCIAL PROVISIONS

- 11.(1) The meetings of the Board shall be held on such a date and at such a time and place as the Board may determine. *Meetings.*
- (2) The proceeding at a meeting of the Board shall, subject to this Section, be determined by the Chairman in consultation with the Board and any decision in that regard shall be taken after due consideration of the principles of openness and transparency.

- (3) The quorum for a meeting of the Board shall be $\frac{2}{3}$ majority of the members of the Board.
- (4) A decision of the Board shall be taken by a majority of the votes of the members present, and in the event of an equality of votes on any matter, the Chairman shall have a second or casting vote.
- (5) The Executive Secretary of the Board shall attend any meeting of the Board and have the right to speak at any such meeting but shall not have the right to vote.
- 12.(1) Members of the Board who are not in the service of Benue State, may, in respect of their services, be paid such remunerations and allowances as may be determined by the Governor on the advice of the Commissioner/ Chairman of the Board. *Payment to members of the Board.*
- (2) The allowances of the members of the Board may differ according to the different offices held by them or the different functions performed by them.
- 13.(1) The Board shall, in the performance of its functions under this Law, be assisted by- *Staff.*
- (a) the Executive Secretary who shall be appointed by the Governor on the recommendation of the Commissioner shall -
- (i) be responsible for the implementation of the decisions of the Board;
- (ii) be responsible for administrative running of the Board and handling of personnel matters except for senior management staff which shall be referred to the Board;
- (iii) carry out any other responsibility delegated by the Board.
- (b) such other persons appointed by the Board as may be necessary;
- (c) such other persons that may be seconded to the service of the Board from the Benue State Civil Service.
- (2) A member of the Board or an employee of the Board whose duties included any matter relating to sport marketing, lottery or any other person who has served as a member of the Board, or his spouse, immediate family member or business partner or associate, may not during the time of service to the Board or for a period of 12 months after the termination of such service take up employment or in any way receive any benefit from any person who is applying or has applied-

- (a) for the license to conduct the State Lotteries as provided in Section 20 of this Law;
- (b) for any other authorization, registration, certification or any other benefit, arrangement or advantages, unless the terms of such employment or the nature and extent of such benefit have been disclosed to the Board and the Board has authorized that employment or those benefits or advantages, as provided in this Law.
- (3) The provision of sub-section (2) above does not prevent the institution of criminal or civil proceedings in a court of law against such member or employee.
- (4) An agreement in contravention of subsection (3) above to circumvent the said provision shall be null and void.
14. The funds of the Board shall consist of- *Funds.*
- (a) sale or advert slots and Television rights of sporting events or teams;
- (b) licensing fees paid to the Board; and
- (c) other monies lawfully paid to the Board, excluding any prize money paid by a licensee to the Board.
15. There shall be paid out of funds accruing to the Board as provided in Section 14 such sums as are necessary to defray any expenses incurred by the Board, including the allowances and other employment benefits of the Executive Secretary and members of staff of the Board. *Finances.*
These expenses shall not exceed 10% of the total funds of the Board.
- PART IV: FUNCTIONS AND POWERS OF THE BOARD.**
16. The Board shall perform the following functions- *Functions.*
- (a) advise the government on ways of generating revenue through Sports Marketing;
- (b) advise the government on issuing of the license to conduct the State Sport Lotteries as envisaged in Section 19(1) of this Law;
- (c) shall ensure that-
- (i) the State Lotteries are conducted with due propriety and strictly in accordance with the 1999 Constitution of the Federal Republic of Nigeria and the provisions of this Law, all other applicable laws and the license for the State Lotteries, public on-line Lotteries and other Lotteries together with any agreement pertaining to that license;
- (ii) the interest of every participant in the State Lotteries be adequately protected; and

- (iii) subject to Section 16 (c) (i) and (ii), above the net proceeds of the State Marketing and Lotteries are as large as possible.
- (d) administer the fund and hold it in trust;
- (e) advise the government on the efficacy of legislation as it relates to Lotteries and ancillary matters;
- (f) administer the money paid to the Board in accordance with the Law and the licence for the State Lotteries, public on-line Lotteries and other Lotteries;
- (g) perform such additional duties in respect of Sports Marketing and Lotteries as the Governor may assign to the Board;
- (h) make such arrangement as may be specified in the licence for the protection of prize monies and sums for distribution;
- (i) advise the government on any matter relating to the State Sports Marketing in general as well as Lotteries and any other matter on which the Governor requires the advice of the Board;
- (j) ensure that all aspects of the State Sports Marketing and Lotteries especially the good causes as envisaged in Section 33 to 38 of this Law are promoted;
- (k) inspect and audit the licensee's record of account whenever it appears necessary in the opinion of the Board to do so; and
- (l) do all other things that are necessary and incidental to achieving the purpose and functions of the Board.

17. The Board may appoint and/or consult any person, organization or institution with regard to any matter the Board may deem necessary to enable the Board perform its functions effectively.

*Consultation
by Board.*

18.(1)The Board shall-

- (a) keep proper books and records in relation to receipt and payments;
- (b) prepare a report of all the activities of the Board, including statements, in respect of each financial year and the Board's regulatory functions in respect of all lotteries and connected activity in respect of which the Board rendered advice or made recommendations in accordance with paragraph (h) of Section 16; and
- (c) submit the report and financial statement referred to in paragraph (b) above to the Governor within two (2) months after the end of each financial year.

*Audit &
Annual
Report.*

(2) In Section 18(1) (b) above, "financial year" means-

- (a) the period from the date on which the Board is appointed for the first time to the last day of December in the following year; and
- (b) each period of 12 months therefor ending on the last day of December of the year.

- (3) The financial statement shall comply with standard accounting principles which may be provided for in statutory Books of accounts applicable to the Board as to the information to be contained in such statement, the manner in which such information is to be presented or the methods and principles according to which such statements are to be prepared.
- (4) The financial statement of the Board shall be audited by the Auditor-General of the State and shall be published in a National Newspaper within sixty (60) days after submission to the House of Assembly.
- (5) The report referred to in Sub-section (1) above shall include recommendations of the Board with regards to-
- (a) the Sports Fund percentages prescribed in Section 39; and
 - (b) any amendment to the Law or regulations issued under this Law in order to improve the execution of the functions of the Board.
- 19.(1) The Governor may, after consultation with the Board on the terms envisage in Section 21 and 22, issue a license authorizing a person to conduct State Lotteries, public on-line Lotteries and other Lotteries. *Licence to conduct Benue State Lotteries.*
- (2) Unless otherwise revoked under this Law, the license shall be exclusive for the term granted therein.
20. Application for a license under this Law shall be in writing, and shall contain such information as the Governor or the Board has specified as necessary to enable the Board to meet the requirements in the provisions of this Law. *Application for Licences.*
- 21.(1) Before a license is granted under this Section, the Board shall be satisfied that-
- (a) the applicant for the license as provided in this Section has sufficient and appropriate knowledge or experience to conduct the State Lotteries, or has unconstrained and continuous access thereto, and will be able to conduct the State Lotteries in accordance with this Law, the license of the State Lotteries and any agreement pertaining to the license.
 - (b) the applicant has the necessary financial resources to conduct the State Lotteries;
 - (c) no political party in the State or political office holder in the State shall have any direct financial interests in the applicant or is a share holder in the applicant's business; and
 - (d) the applicants, for the duration of the license will show a clear and continuous commitment to the State Sports Lotteries, public on-line Lotteries and other Lotteries. *Grant of Licences.*

- (2) In consideration whether to grant the license, the Board shall take into account-
- (a) whether a person who appears to the Board to be likely to manage the business or any part of the business of the State Lotteries under a license, is a fit and proper person to do so;
 - (b) whether any person for whose benefit that is likely to be conducted, is a fit and proper person to benefit from it; and
 - (c) whether any person who is likely to manage the business or any part of the business of State Lotteries under the License will do so-
 - (i) with all due propriety and strictly in accordance with this Law, all other applicable laws and the license for the State Lotteries together with any agreement pertaining to the license;
 - (ii) that the interest of every participant in the State Lotteries are adequately protected; and
 - (iii) subject to subparagraphs (i) and (ii) above, the net proceeds of the Board are as large as possible.
- (3) The conditions provided for in subsection (1) above shall include such conditions as the Governor may determine, after consultation with the Board, and shall in particular include conditions requiring the licensee to-
- (a) refer specified matters to the Board, for approval;
 - (b) ensure that requirements of the terms in this Law are complied with, and the Board may, from time to time, determine that terms of the license are complied with,
 - (c) including the imposition of penalties in the event of the licensee not complying with any of the provisions of this Law or the terms of the license;
 - (d) provide the Board with such information as the Board may specify;
 - (e) make such arrangements as may be specified in the license for the payment of such sums out of the proceeds of the State Lotteries as may be so specified to the Fund or to the Board, as the case may be, at specified times;
 - (f) do such things in terms of the license, including the transfer of propriety or any right, excluding intellectual property right or software, as the Board may require, upon the expiration of the license;
 - (g) secure a valid and enforcement undertaking in writing from the licensee not to permit, require or compel any of its employees, or agents to knowingly sell a ticket, to award to pay any price to a director of the licensee, a director of a holding or shareholder company of the licensee, an employee, agent, consultant of the licensee, a member, employee or agent of the Board.

- (4) A license granted under this Section shall include the conditions provided for in Sections 21, 22, 23 and 24 of this Law;
- (5) A license provided for in subsection (1) of this section may allow the licensee to appoint another person to conduct certain lotteries of the State Lotteries on behalf of the licensee only with the written approval of the Board.
22. The license shall be granted for an initial period of ten (10) years. *Duration of License.*
- 23.(1) Where the license has been granted, the licensee may not earlier than six years or later than two months to the expiration of the term apply for a renewal of the license. *Renewal of license.*
 Provided that the licensee shall have no right or legitimate expectation in the renewal of license, other than the right afforded by this subsection; and shall pay the prescribed renewal fees upon renewal of the license.
- (2) Each license renewal shall be for a maximum period of five years.
- (3) In determining whether to renew the license or not, Section 23 (1) and (2) of this Law shall apply and the Governor shall take into account any advice given by the Board in pursuance of renewal of the license.
24. A licensee shall allow the Board or anyone designated by it to enter any premises or facility belonging to or under the control of the licensee or a member of the management of the licensee, or premises to which the licensee has a right of access, after 24 hours notice has been given, if such entry is necessary for the protection of the integrity of the State Lotteries, and to- *Power to Inspect Premises.*
- (i) examine or inspect anything, machine, documents or, data captured in any form, excluding proprietary, software, found on or in the premises or facility, and make copy of or make extract from the things, machine, document or data; and
- (ii) take such steps as may be reasonably necessary to protect the integrity and conduct of the State Lotteries.
25. On- *Fees.*
- (a) applying for the license to be issued under the provisions of Section 21; or
- (b) the granting of a license under Section 23, the applicant or the licensee, as the case may be, shall pay to the Board the prescribed fees.
- 26.(1) The Governor or the Board may vary any condition in the license granted under Section 21- *Variation of condition of License.*
- (a) to the extent provided for in the proviso to Section 23(1);

- (b) other than a condition provided for in paragraph (a) only if the licensee consents to that variation; or
- (c) Where the licensee does not consent to that variation, if-
- (i) that variation is provided for in this Law or to the extent provided for in the license; and
 - (ii) the licensee has been given a reasonable opportunity to make representation to the Governor in respect of the intended variation.
- (2) If the Governor on the recommendation of the Board, after consideration of the licensee's representation, decides to vary a condition in the license in accordance with that license but without the consent of the licensee, the Governor shall cause a notice to be served on the licensee informing him of the variation and the date on which that variation shall take effect, not less than 21 days after the date of service of such notice, unless the licensee agrees to a shorter period in writing.
- (3) The provision to vary a condition in the license under subsection (1) of this section may allow the Governor or the Board to add a condition to the license or to omit a condition from the license.
- 27.(1) If the Governor or the Board is satisfied that a person has contravened a condition in respect of any payment due to the Board under the license, the Governor or the Board may impose financial penalty on that person in respect of that contravention.
- Penalties for Breach of condition.*
- (2) The matters to which the Governor or the Board may have agreed to impose financial penalties include the desirability of both-
 - (a) deterring licensee from contravening conditions under Section 21 of this Law;
 - (b) recovering any diminution in the sums payable under the provisions of this Law.
 - (3) If the Governor or the Board proposes to impose financial penalty, he shall serve on that person a Notice-
 - (a) stating that the person has contravened the conditions in the license;
 - (b) identifying the contravention in question;
 - (c) stating that the Board proposes to impose financial penalty;
 - (d) specifying the reason for the imposition of the financial penalty and the amount of the financial penalty;
 - (e) stating the reason for the imposition of the financial penalty.

- (4) A notice under subsection (3) above must state that a person may, within the period of 21 days beginning with the date of notice, make written presentation about the matter to the Governor or the Board.
- (5) If within the period mentioned in subsection (4) above, the Governor or the Board received no written presentation, the financial penalty shall become payable at the end of that period.
- (6) The Commissioner may make regulations as to the procedure to be followed where a person's written presentation has been received.
- (7) The regulation referred to in subsection (6) above may make provision for-
 - (a) the financial penalty to become payable if the person fails to comply with any requirement imposed by or under the regulations made under this Law;
 - (b) the hearing of oral presentation in addition to the written presentation.
- (8) Where the Governor or the Board after taking the presentations into account, decides whether or not to impose a financial penalty, a Notice conveying the decision shall be served on the person.
- (9) Where the Notice imposes a financial penalty, a further notice served on the person **must-**
 - (a) state that it is a further notice to the person upon receipt of his earlier representation;
 - (b) identify the contravention in question;
 - (c) specify the amount of the financial penalty imposed;
 - (d) financial penalty and for the amount of the financial penalty;
 - (e) state the account number of the Lotteries and Sports Trust Fund into which the penalty is to be paid.
- (10) A financial penalty imposed by virtue of a decision under subsection (8) of this Section becomes payable on the date of the further notice.
- (11) A person on whom a financial penalty is imposed is required to pay the penalty within the period of 21 days beginning with the date on which the financial penalty becomes payable.
- (12) If the whole or any part of the financial penalty is not paid within the period mentioned in subsection (11) above, then as from the end of that period, the unpaid balance shall carry an interest at the current lending rate plus 1%.
- (13) A financial penalty imposed on any person and any interest that would accrue under subsection (12) above in respect of the penalty shall be recoverable from that person as a debt due and the person's liability to pay shall not be affected by the person's license ceasing for any reason to have effect.

- 28.(1) If the Governor on the recommendation of the Board has reason to believe-
- Enforcement of conditions.*
- (a) that a person is likely to contravene a condition in the license granted under Section 23 of this Law;
 - (b) that a person has contravened such a condition and there is a reasonable likelihood that the contravention will continue or be repeated; or
 - (c) that a person has contravened such a condition and that the contravention can be remedied the Governor or his appointed representative may apply to a court of competent jurisdiction in the State for an Order prohibiting the contravention or, as the case may be, requiring the licensee and any other person who appears to the court to have been a party to the contravention, to take such step as the court may direct.
- (2) The liability of the licensee to pay a sum in terms of this Law or the license or agreement pertaining to same shall not be affected by the validity of a license for any reason and a sum may not be set-off by the licensee against any amount due and payable.
29. The License granted under Section 21 may be revoked by the Governor on the recommendation of the Board on any of the following grounds-
- Grounds for Revocation of License.*
- (a) if the licensee is no longer a fit and proper person to conduct the State Lotteries, whether because of the Board's decision or by commission of an act, insolvency, bankruptcy or for any other valid reason.
 - (b) if a condition contained in the license has been contravened and the licensee has failed to redress such contravention 21 days after receiving notice from the Board of such contravention.
 - (c) if any information given by the licensee, any person who in any way controls the licensee or an agent or representative of the licensee to the Board-
 - (i) in connection with the application for license;
 - (ii) in accordance with a condition in the license;
 - (iii) in making presentation in terms of Section 24(1) of this Law in respect of financial matters regarding the State Lotteries or in respect of any aspect of the management of the State Lotteries is materially false.
 - (d) if any person who is managing the business or any part of the business of the licensee or who is a supplier of essential goods and services to the licensee on the license is not a fit and proper person to do so, whether because of the commission of an act, or insolvency, bankruptcy, incarceration in a prison or other institution or for any other relevant reason, unless the licensee immediately takes steps to dissociate himself from that person.

- (e) if any person for whose benefit the license has been acquired or who is a holding company of the licensee or who in any other way controls the licensee, is not a fit and proper person to benefit from it, whether because of insolvency, bankruptcy, imprisonment or for any other relevant reason.
- (f) if the licensee has failed to take adequate steps to prevent the commission of fraud by its employees, agents, representatives, suppliers or by participants in the State Lotteries after having been alerted or becoming aware of conditions conducive to the Commission of fraud, or to instances of fraud or dishonesty.
- (g) if the licensee, any of its employees, agents, representatives or suppliers prevent the Board or any person designated by it from exercising its duties under this Law.
- (h) if the licensee, any of its employees or agent repeatedly and knowingly sells tickets or awards or pay prizes to any person in contravention of the provisions of this Law.
- (i) if an Order has been made by a Federal High Court, for the winding-up and liquidation, as the case may be against the licensee or a person who may be in control of the license.
- 30.(1) If the Governor on the recommendation of the Board is satisfied that grounds exist for the revocation of the license granted in terms of Section 21, the Governor shall, in writing, notify the licensee of the existence of such grounds and call upon the licensee to furnish reason, within 21 days of service of the notice at the registered address of the licensee, why it should not be revoked, failing which the license will cease to be valid upon the expiration of the said period of 21 days. *Notice of proposed Revocation.*
- (2) If the license for the State Lotteries ceases to be valid as provided in subsection (1) above, the Governor shall inform the licensee in writing of the fact and of expiry date upon which the license ceased to be valid.
31. The Governor, on the recommendation of the Board, may order a suspension of the license in the Notice provided for in Section 30 of this Law as from the date of service of that Notice for a period not later than 30 days after the licensee has furnished reasons. *Suspension of License.*
- 32.(1) If reasons are furnished by the licensee as provided in Section 31 of this Law, the Governor on recommendation of the Board, shall after considering such reasons- *Revocation of License.*

- (a) decide whether or not to revoke the license; or
- (b) call upon the licensee to appear before the Board on a specified date to make oral presentations in support of any written presentations made by the licensee or to answer any questions which the Governor may have with regard to such written presentations after which the Governor on the recommendation of the Board shall consider the matter and decide whether or not to revoke the license.
- (2) If the Governor after considering the matter decides to revoke the license, the Governor shall by written notice served at the registered office of the licensee, notify the licensee of the revocation, of the grounds for the revocation and of the date on which the revocation shall take effect.
- (3) If the Governor decides to revoke the license in terms of subsection (1) above, the Governor shall inform the State House of Assembly of the fact and the grounds for that revocation and if the House of Assembly is not in session at the time of the revocation, then he shall do so on the first day of the House of Assembly's session.
33. The Board as provided under this Law shall not grant licenses other than for State Lotteries, Public on-line Lotteries and other Lotteries. *Restriction on issuance of License.*
- PART IV: SPORTS INVESTMENT AND MISCELLANEOUS PROVISIONS**
- 34.(1) There is hereby created a Sports Fund to be known as the **Benue State Sports Trust Fund**(referred to in this Law as "**the Sports Fund**") to be managed by the Board in consultation with the Fund Manager appointed by the Board. *The Sports Fund.*
- (2) The Board shall annually submit a report to the State House of Assembly in respect of the Sports Funds, which may form part of the report provided in this Law.
- 35.(1) The Sports Fund shall vest in and be administered by the Board. *Administration of Sport Fund.*
- (2) The Sports Fund shall be held in trust by the Board for the purpose provided for in this Law.
36. The Sports fund shall consist of-
- (a) the sum paid to the Sports Fund as provided for in Section 34 (1) above;
- (b) interest and dividends derived from the investment of money standing to the credit of the Sports Fund; and
- (c) other money lawfully paid into the Sports Fund. *Revenue of Sports Fund.*

- 37.(1) Money in the Sports Fund shall, pending the application thereof as provided in this law, be paid into an account to be known as **"The Sports Trust Fund Account"** at a financial institution to be determined by the Board and the recommendations of the Fund Manager. *Banking.*
- (2) The financial institution where the account provided in subsection (1) above is operated, shall not in respect of any liability of the Board, such not being a liability arising out of or in connection with any such account, have or obtain recourse or any right, whether by set-off, counter-claim, charge or otherwise against money standing to the credit of such account.
- 38.(1) Any money of the Sports Fund which is not required for immediate allocation, may be invested with a financial institution approved by the Board on the advice of the Fund Manager, provided same be withdrawn when required. *Investment of money.*
- (2) An unexpended balance of the Sports Fund at the end of any financial year shall be carried forward as a credit to the next succeeding financial year.
- 39.(1) Every sum that is paid to the Sports Fund shall be appropriated for expenditure by the Board in accordance with succeeding financial year. *Allocation of Sports Fund.*
- (2) Not more than 5% of the sum in the Sports Fund shall be allocated for making payment under Section 41 and held in the Sports Fund for the purpose.
- (3) Of the balance in the Sports Fund after the deduction of the allocation sum referred to in subsection (2) above-
- (a) 75% shall be allocated for expenditure on or connected with sports development objectives;
 - (b) 20% shall be allocated for expenditure on or connected with other critical sectors such as Health and Environment which shall be subject to the approval of the Governor.
- (4) The Board shall commence with the allocation of the sums as provided under subsection (3) above not less than six months after the take off of the Board.
- 40.(1) The Governor may when he deems it appropriate, authorize that payment not exceeding 5% of the money in the Sports Fund be allocated to the Board in respect of the Board's expenses. *Payment from Sports Fund.*
- (2) The payments shall be of such amount as the Governor deems sufficient for meeting the payments made or to be made under this Section or any other incurred by the Board.

- (3) In determining the amounts that are sufficient for meeting, the payment referred to in subsection (2) above, the Governor shall take into account sums paid or to be paid to the Board as provided for in this Law.
- 41.(1) The Governor may make an order on the recommendation of the Board, to substitute different percentages for any of the percentages for the time being specified in Sections 39 (2) and (3) and 40 (1) of this Law- *Power to make order.*
- (2) An amendment made under this Section shall be such that-
- (a) no percentage lower than 5% is specified in the Section; and
 - (b) the percentage specified in the Section shall not amount to a total of 100%.
42. Unless authorized by or under this Law or any other law in force in the State, no person shall conduct through any newspaper, broadcasting service or any other electronic device, or in connection with any trade or business or the sale of any article to the public, any lottery other than one authorized by or under this Law in which prizes are offered for forecast of the result either of-
- (a) future events; or
 - (b) a cast event, the result of which has not yet been ascertained or is not yet generally known. *Unlawful Lotteries.*
- 43.(1) A person who-
- (a) participates in; or
 - (b) conducts, facilitates, promotes or devices any benefit from a lottery, unless such lottery is or has been authorized by or under this Law, shall be guilty of an offence. *General offences*
- (2) Any person who-
- (a) contravenes or fails to comply with any provisions of this Law;
 - (b) forges or in any other fraudulent way changes any ticket or any other document or thing or things pertaining to any lottery;
 - (c) knowingly sells, or in any other way disposes of any forged ticket or any other documents or things pertaining to any lottery;
 - (d) with intent to defraud, alters any number or figures on any ticket or any other document or things pertaining to any lottery;
 - (e) obtains any direct or indirect financial gain, which is not solely a share in the prize payout, by forming, conducting or in any other way promoting a syndicate for the purchase of a ticket;
 - (f) sells a ticket-
 - (i) at a price higher than the authorized price;
 - (ii) on condition that the seller of the ticket shares in the prize in the event of a ticket sold by him is the ticket in respect of which a prize is paid.
 - (iii) on any condition not provided for in the rules of the lottery concerned;

- (iv) on credit or with the financial assistance in any form from the sellers; or
- (g) conducts, organizes, promotes, devices or device which directly or indirectly provides for betting, competition, arrangement, system, game or, wagering, gambling or any other game of risk on any outcome of any lottery unless authorized by or under this law or any other law, shall be guilty of an offence.
44. A person who-
- (a) advertises or offers the opportunity to participate in a lottery, or game of another description and who gives by whatever means, a false indication that it is a lottery, or game, of another description and who gives by whatever means, a false indication that it is a lottery or game forming part of, or is otherwise connected with the State Lotteries;
- (b) with the intent to defraud, falsely makes, alters, forges, passes or counterfeits a State Lottery ticket;
- (c) influences or attempts to influence the winning of a prize through the use of coercion, fraud, deception, or through tampering with lottery equipment, system, software, data, tickets or materials; or
- (d) fails to comply with any regulation made under Section 46 of this Law shall be guilty of an offence.
45. Subject to the provisions of Section 20, any person who commits an offence under this Law or fails to comply with any of the provisions of this Law or any requirement made there under shall be guilty of an offence and shall be liable on conviction to a fine of **N100,000 (One Hundred Thousand naira)** or to imprisonment for a term not exceeding three (3) years or both.
46. The Ministry may in conjunction with the Board make regulations, with respect to-
- (a) The conduct of the Benue State Lotteries, including-
- (i) the minimum age of persons who or by whom tickets or chances may be sold;
- (ii) the person or categories of persons who shall be disqualified from participation;
- (iii) the places where or circumstances or manner in which tickets or chances may be sold or persons may be invited to buy such tickets or chances;
- (iv) the circumstances under which lotteries may be advertised and the information that is to appear in an advertisement for a lottery;

*Offences
against Benue
State Lotteries.*

Penalties.

Regulations.

- (v) the places where or circumstances or manner in which signs relating to a lottery may be displayed;
 - (vi) the rules to govern the conduct of lotteries;
 - (vii) licensing fees;
 - (viii) in general, any other matter which shall be necessary or expedient to prescribe in order to achieve or promote the objectives of this Law; and
- (b) the making of oral presentation as provided for in Section 27(7)(b).

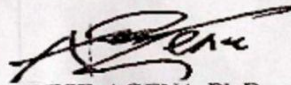
PART VI: OTHER LOTTERIES

47. Subject to the provisions of this part of this Law, the operation of other lotteries within the State shall be lawful if-
- Other Lotteries.*
- (a) it is so conducted that the chances therein are equally favourable to all the stakers;
 - (b) no money or money's worth which any staker puts down as a stake is disposed of otherwise than for payment to a staker as winnings;
 - (c) no other payment in money or money's worth is required for a person to take part in the lotteries or raffles.
- 48.(1) No other lotteries' business shall be operated within the State without a license issued by the Board. *Prohibition of other Lotteries.*
- (2) Other lotteries in whatever form shall not take place in any premises or place without a license issued in pursuance to subsection (1) above.
- 49.(1) For every other lottery that is conducted within the State, there shall be paid a license fee of **One Hundred Thousand Naira (N100,000.00)**. For avoidance of doubt, it is hereby stated that the license fee shall be payable for every other lottery, be it drawn daily, weekly or monthly. *License fees.*
- (2) For every other lottery that is conducted within the State, a levy of **Fifteen Thousand Naira (N15,000.00)** is payable, be it drawn weekly or monthly.
- 50.(1) Every application for other lotteries shall be made to the Board whenever any licensee intends to conduct any lottery as stipulated in this part of the Law. *Application for License.*
- (2) Every application for the issuance of every other lottery license shall be in a Form as provided by the Board and shall be accompanied by three copies of the rules in accordance with which the applicant proposes to conduct each lottery competition; and if the applicant proposes to conduct different competitions.

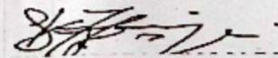
- (3) Every application for the issuance of any other lottery license shall be accompanied by three copies of details of the prizes payable to each category of winners in each competition.
- (4) Every application for the issuance of a lottery license shall be accompanied by three copies of the intervals at which the competitions shall be conducted.
- (5) Subject to the approval of the consenting Authority, every other lottery competition shall be conducted in accordance with the rules previously approved by the consenting authority.
- (6) At any time during the duration of another lottery license-
- (a) any rules governing the conduct of the competition by the licensee may be altered with the prior approval of the Board;
 - (b) further sets of rules for the conduct of the competition may be adopted with the like approval.
- 51.(1) Every other lottery license shall be in the Form as provided by the Board. *Form of License.*
- (2) Every lottery license shall be for a lottery only and another license shall be obtained for the conduct of each subsequent lottery.
- 52.(1) A company or person who contravenes any regulation governing the conduct of other lotteries shall on conviction be liable to a fine of **Two Hundred and fifty Thousand Naira (N250,000.00)** or imprisonment for two years or both. *Offences.*
- (2) Where a company is proved to have committed the offence in subsection (1) above, with the consent, connivance or negligence of any Director, Manager, Secretary or similar officer of the company or anybody purporting to act in any such capacity, he as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.
53. Subject to the provision contained in this part of this Law, conducting other lotteries in any street or other public places is prohibited. *Prohibition of Lotteries in Streets.*
- 54.(1) Nothing contained in this part of the Law, shall prohibit-
- (a) lottery competition being carried on as an activity of a club, and
 - (b) the grant of application for lottery competition by social and charitable organizations on special conditions by the Consenting Authority. *Savings.*

- (2) Where a lottery competition is conducted as an entertainment promoted for raising money to be applied for purposes other than private gain, then, in relation to the lottery competition, the provision of Section 53 shall not apply.
- (3) For a lottery competition to be for purpose stated in subsection (2) of this Section, the organizers shall obtain the approval of the Consenting Authority who may prescribe conditions or special conditions for such lottery competition.
55. A license may be suspended or revoked if- *Revocation of License.*
- (a) upon a complaint made to the Consenting Authority, it is satisfied that the licensee has failed to comply with any of the requirements of his license, or provision of the Law or any regulations made there under;
 - (b) the Consenting Authority is satisfied that it is in the public interest to do so; or
 - (c) in any criminal proceeding however arising, the court recommends to the Consenting Authority that the license be revoked.
56. The Board shall not grant any license for the public lottery or any license under the provisions of PART A of this Law. *Restriction.*
57. The Lotteries (Government) Law 2004 is hereby repealed. *Repeal of CAP 103 BNSL 2004.*

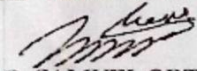
This printed impression has been carefully compared by me with the Bill which was passed by the State legislature and it is a true and correctly printed copy of the said Bill.


TORESE AGENA, Ph.D
Clerk of the House.

This printed impression is hereby endorsed by me as correct.


RT. HON. TERKIMBI IKYANGE
Speaker
Benue State House of Assembly

I ASSENT/WITHHOLD ASSENT THIS 15th DAY OF FEBRUARY, 2017.


DR. SAMUEL ORTOM
EXECUTIVE GOVERNOR
BENUE STATE.