



## EDO STATE

# A LAW FOR OPERATION OF LOTTERIES, LOTTO AND ON-LINE SPORTS BETTING IN EDO STATE AND FOR OTHER MATTERS CONNECTED THEREWITH

### Enactment

1. Be it enacted by the Edo State House of Assembly and by the authority of same as follows:

### Citation

2. This Law may be cited as the Edo State Gaming Law, 2020.

### Commencement

3. This Law shall come into force on the ..... day of ..... 2020.

### Edo State Board of Internal Revenue

4. In addition to any other functions conferred upon it under any other law, the Edo State Board of Internal Revenue (referred to in this Law as the "Board") established under S.1 of the Edo State Revenue Administration Law 2012 shall have the following functions under this Law *to*:

- (a) Grant licenses for the conduct of all forms of Lotteries, Lotto and On-Line Sports Betting (referred to in this Law as 'Gaming'/the 'Game')
- (b) grant licenses to every Agent engaged by the Operators of the Game
- (c) regulate every aspect of the Gaming activities including but not limited to the operations of the licensed Operators, Agents, connected persons, the issuance of license and conduct of the Game.

### Prohibition of Gaming Operation Without license

5. (1) No Gaming Operator and Agent shall operate within the State without a license by the Board.  
(2) No Gaming business in whatever form shall take place in any premises or place without license issued in pursuance to section 4 of this Law.  
(3) Every Agent engaged by the Gaming Operator shall not operate except were licensed by the Board to do so.  
(4) any person who contravenes this Section shall be regarded as an illegal Operator and have his Business Premises and Gaming Systems Distrained and prosecuted in line with this Law and other relevant Laws.

6. Any assigned officer of the Board may enter the premises of any Gaming Operators/Agents to inspect the Gaming System(s), records, premises or facilities belonging to or under the control of the license or a member of the Management of the license after 24 hours' notice has been given, if such entry is necessary for the protection of the integrity of the Gaming operations/activities and to;

- (a) examine or inspect Gaming System, anything, machine, document or data captured in any form, including proprietary software, found on or in the premises or facility, and make copies or extracts of the machine, document, data or item found;
- (b) take such steps as may be reasonably necessary to protect the integrity and conduct of the Gaming activities in Edo State; and
- (c) The Board shall have powers to distrain upon the relevant facility/premises of any defaulting Gaming Operators or its Agents, and its representatives who violate any provisions of this Law or Regulation.

7. (1) The Board may make Regulations and where necessary terms and condition for carrying out the objectives of this law and also specifically provide for:

- (a) the conditions for the grants, renewal, cancellation, transfer, revocation and suspension of all forms of Gaming license within the State;
- (b) the imposition, assessment, deduction, request for remittance, and collection of Gaming taxes and fees on all forms and aspects of the Game and for other purposes connected therewith;
- (c) the prescription of the form(s) for and fees payable for various licenses issued under and by virtue of the provisions of this Law;
- (d) the conferment of functions upon officers of the Board or other persons and authorities in relation to the operations of the Game and the remuneration of such other persons or authorities;
- (e) the deduction by Agents, persons or authorities for the remuneration prescribed from any money received in the performance of the functions conferred by such Regulations on such agents, persons or authorities;



- (f) the time within which any requirement of the Regulations is to be carried out;
- (g) prescription of penalties for breaches or contraventions of any Regulations made under this Law; and
- (h) any other matter relating to all aspects of the Game.

**Grant of a License**

8. (1) A license under this Law may be granted under this section, if the Board is satisfied that the applicant:
  - (a) must have met all registration requirements as stipulated by the regulations made pursuant to this law and has requisite expertise, knowledge and unrestricted access to conduct the Game.
  - (b) has the necessary financial and other resources to conduct the Game; and
- (2) is a fit and proper person to manage the Gaming operations activities or any part of the Game.
- (3) in granting a license, the Board shall consider under this law if the applicant will:
  - a) Ensure that the interest of participants under this Law are adequately protected
  - b) Ensure that such requirements as the Board may from time to time determine or approved in terms of the license are complied with.
  - c) Provide the Board with information of the Games, stakes, winnings and other information as may be required from time to time.
  - d) Comply with the requirements of the Law and Regulations for the payment of such sum out of the proceeds of the Game;
  - e) Transfer the Gaming system and property, proprietary software or any rights, excluding intellectual property rights as the Board may require, upon the expiration of the license.
  - f) do so with due propriety and strictly under this Law and all other applicable Laws and Regulations
  - g) Ensure that applicant's position, office or interest is not in conflict with the Gaming operations.
  - h) obtain the approval of the Board before any game is conducted under this Law, and;
  - i) make an undertaking in writing according to the provision of the Regulation made pursuant to this Law in respect of the Game tickets not to permit, require or compel any of its employees or Agents to sell a ticket, or to award or to pay any prize to a director or shareholder of a holding

company of the applicant, or to an employee, Agent or Consultant.

**Transfer of  
License**

9.(1) A license may be transferred on the condition that:

- (a) the Board if satisfied after due consideration and notification for transfer, may approve the transfer of Gaming within the State to another applicant that has met all conditions stipulated under this Law and other necessary requirements.
- (2) a license contemplated in section 8(1) may allow the e to appoint another person to conduct gaming operations under this Law on behalf of the licensee only with written approval of the Board;
- (3) it shall be an offence to contravene the provision of section 9(1) of this Law

**Operators of  
the Game**

10.(1) All Gaming Operations/Business/Activities within the State as provided for in this Law shall be conducted through d Operators and their licensed Agents.

**Conduct of Business  
through Licenced  
Operators**

- 11.(1) The Board shall in line with section 8 and 9 issue a license authorising a person to conduct the Gaming business.
- (2) Application for a license under this Law shall be in writing, and the applicant shall fulfil all other requirements contemplated in the Law/Regulation.
  - (3) Where the applicant is a foreigner, he shall not have more than 70% ownership of the Game business with the local ownership and participation not less than 30%.

**Renewal of  
Licence**

12. (1) A license where granted shall expire on the 31<sup>st</sup> day of December of every year.
- (2) Every application for renewal of license shall provide a clear and continuous commitment to the Gaming business and evidence of place of business in the State.

**Grounds for  
Revocation of  
Licence**

- 13.(1) Any license granted under section 8 and 9 of this Law may be revoked by the Board on the grounds that;
- (a) The e is no longer a fit and proper person due to the commission or omission of an act, insolvency, liquidation, insanity or for any other valid reason;
  - (b) any of the condition contained in the license has been contravened and the e has failed to redress such contravention after 21 days of receiving notice from the Service of such contravention;



- (c) the information given by the e, Agents, representatives or any person, in connection with the application for the grant of a license is found to be false.
- (d) a person who is managing the Gaming business or any part of the Gaming operations or who is a supplier of essential goods or services to the e is not a fit and proper person, unless the e immediately takes steps to effectively disassociate his or herself from that person.
- (e) where a person for whose benefit the license has been acquired or who is a holding company of the e or who in any other way controls the e, is not a fit and proper person to benefit from it, whether because of insolvency, liquidation, imprisonment or for any other relevant reason;
- (f) the license has failed to take adequate steps to prevent the commission of fraud by any of his, or her employees, Agents, representatives, suppliers or participants in the Gaming business after been aware of the commission of fraud, or dishonesty;
- (g) the license, any of his or her employees, Agents, representatives or Suppliers prevent the Board or any of the designated officers to exercise its powers under this Law.
- (h) the license, any of his or her employees or Agents repeatedly and knowingly sell tickets or award or pay prizes to any person in contravention of this Law; and
- (i) an Order has been made by a Federal High Court, for the winding-up and liquidation, as the case may be against the license or a person who controls the licensee.
- (j) a breach of the provision of section 23(3) (4) (5) of this Law.

Where the ground(s) for revocation results from section 13(1)(j) the Board shall also have powers to distrain the Gaming Operator's/Agent's business facility and premises.

**Notice of Proposed  
Revocation**

14. (1) The Board upon satisfaction that grounds exist for the revocation of the license listed in section 13(1) (a) to (i), shall in writing notify the licensee of the existence of such grounds and call upon the licensee to furnish reasons within 21 days of service of that Notice.
- (2) failure to comply upon the expiration of the said period of 21 days, the license will cease to be valid.

(3) where the Gaming licensee ceases to be valid under subsection (2) of this section, the Board shall inform the licensee in writing of the expiration date upon which the license ceased to be valid

**Suspension of  
Licence**

15. The Board may order a suspension of the license if dissatisfied with the reasons furnished by the licensee under S 14(1) for a period of not more than 30 days.

**Revocation of Licence**

16. (1) If reasons are furnished by the licensee as contemplated in section 14(1), the Board shall, after considering such reasons;
- a. decide whether or not to revoke the license; or suspend the license, as contemplated in Section 13 and 15 and.
  - b. call upon the licensee to appear before the Board on a specified date to make oral representations in support of any written representations made by the licensee or to answer any question before the Board shall decide on whether or not to revoke the license.
- (2) Thereafter, were the Board decides to revoke the license, the Board shall by written notice served at the registered office of the licensee, notifying the licensee of that fact and the ground(s) for that revocation and of the date on which the revocation shall take effect.

**Monitoring  
Enforcement  
Committee**

17. (1) The Board through the Edo State Internal Revenue Service (hereinafter referred to as EIRS) shall set up a Monitoring Enforcement Committee (refer to as 'the Committee') to monitor the activities of the Gaming Operators, Agents/Representatives and Stakers/ Punters/Players in Edo State.
- (2) The Committee, its members or any authorised officers of the Board shall have the powers to enter, search and seal any premises, if there is reasonable ground for suspecting that an illegal Gaming operations is carried out in the premises.
- (3) the Committee, its members or any authorised officers of the Board shall have powers to seize any Gaming System, materials and other facilities use for the operation of the Game by an unlicensed Gaming Operators and Agents.

**Offences and  
Penalties**

18. (1) It shall be an offence to assault any officer of the Board, member of the Committee or authorised Representative of the EIRS in the course of his/her lawful duty under the law and upon conviction, the offender shall be liable to a fine of ₦3,500,000.00 or to imprisonment for Nine Months or to such fine and imprisonment.



- (2) any person or Agents who contravenes this **Law** or Regulation governing the conduct of the Game shall be guilty of an offence and shall upon conviction be liable to a fine of ₦2,000,000.00 or to imprisonment for Six Months or to such fine and imprisonment;
- (3) where an offence by a body corporate is proved to have been committed with the consent or connivance of any Director, Manager, Secretary or Officer of the body corporate or any person purporting to act in any such capacity, or its attributable to any neglect on their part, the Director, Manager, Secretary and Officer as well as the body corporate shall be deemed to be guilty of the offence and shall upon conviction pay ₦20,000,000.00 and Nine Months imprisonment.
- (4) any Gaming Operator/Agent and Connected Persons who gives false information about its gaming transactions, records, operations, activities and other relevant information shall be guilty of an offence and shall upon conviction be liable to a fine of ₦30,000,000.00 and Nine Months imprisonment.
- (5) any Gaming Operator/Agent with the intent to defraud, alter any number or figure on any gaming Stake/ticket or any other documents or thing pertaining to Gaming operations shall be guilty of an offence and punishable with fine as stipulated in section 21 of this Law.
- (6) any Person who obtains any direct or indirect financial gain, which is not solely a share in the price pay out, (winnings) by forming, conducting or any other way promoting a syndicate for the purpose of placing bet shall be guilty of an offence.
- (7) any person who stake or sell at a price higher than the authorised stake/bet price shall be guilty of an offence.
- (8) any person or body corporate who conduct, organizes, promote, devices or manages any scheme, competition, arrangement, of the Game or devices which directly or indirectly provides for betting or Gaming transaction or any other game of risk on any outcome of any Gaming operations unless authorised by or under this law shall be guilty of an offence and shall have his business premises, gaming system and other connected devices distrained and prosecuted.
- (9) A breach of any of the provisions of this Law shall constitute an offence, and where no specific penalty has been stipulated, the offender shall be liable to a sum of 2,000,000 or to imprisonment for Six Months.

(1) The matters to which the Board may impose a financial penalty includes;

- (a) contravening conditions under section 8 of this Law; and
- (b) recovering any diminution in the sums payable under the provisions of this Law.

(2) If the Board proposes to impose financial penalty, the Board shall serve on that person a notice-

- (a) stating that the person has contravened the conditions in the license;
- (b) identifying the contraventions in question;
- (c) stating that the Board proposes to impose a financial penalty;
- (d) specifying the amount of penalty;
- (e) stating reasons for the imposition of the financial penalty and the amount of the financial penalty; and
- (f) stating the account number into which the financial penalty is to be paid.

(3) A notice under subsection (2) above must state that the person may, within the period of 14 days from the date of the notice make written representation about the matter to the Board.

(4) If within the period mentioned in subsection (3) above the Board does not receive any written representation, the financial penalty shall become payable at the end of that period.

(5) The Board may make Regulations as to the procedure to be followed where a person's written representation has been received.

(6) The Regulation referred to in subsection (5) 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; and



- (b) the hearing of oral representation in addition to the written presentation
- (7) Where the Board after taking the representations into account decides whether or not to impose a financial penalty, a Notice conveying the decision shall be served on the person.
- (8) Where the notice is to impose a financial penalty, a further Notice will be served on the person, and the notice must:
  - (a) identify the contravention in question;
  - (b) specify the amount of the financial penalty imposed;
  - (c) state the reason(s) for the imposition of the financial penalty and the amount of the financial penalty; and
  - (d) state the account number to which the penalty is to be paid.
- (9) A financial penalty imposed by virtue of a decision under subsection (7) becomes payable on the date of the further notice.
- (10) A person on whom a financial penalty is imposed is required to pay the penalty within the period of 14 days from the date in which the financial penalty notice is served.
- (11) Where the whole or any part of the financial penalty is not paid within the period mentioned in subsection (10) of this section as from the end of that period, the unpaid balance from time to time shall carry an interest at the current lending rate.
- (12) A financial penalty imposed on any person and any interest that would accrue under subsection (11) 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.
- 20. Any participant whom in relation to Gaming operations uses any insider information that is not available, and which has been obtained by virtue of the participant's position with the Game operations/ business shall be deemed to have committed an offence and upon conviction shall be liable to pay a fine of ~~₦~~4,000,000.00. or to imprisonment for 6 months or to such fine and imprisonment.

**Failure of the  
Licensee/Agent to  
Disclose Information**

21. Failure of the licensee or its Agents to disclose any relevant information upon registration or give false information at any time relating to the Game business/operations shall constitute an offence and upon conviction the offender shall be liable to a fine of ₦5,000,000.00 or to imprisonment for 6 months or to such fine and imprisonment.

**Address for Service of  
Notices**

22. Notices shall be served at the registered address of the applicant or licensee, while that of the Board shall be served at the head office.

**Access to Records,  
Accounts,  
Bookkeeping,  
Integration and  
Control Measures**

23. (1) Every Gaming Operator and their Agent shall maintain to the proper satisfaction of the Board a system of bookkeeping and account so as to afford a proper record of all transactions and the amount of bets staked/placed on the Game.

(2) an authorised officer or member(s) the Committee may enter without warrant, any premises at any reasonable time on which he reasonably believes that a person is carrying on business in order to ascertain whether this law is being complied with by the Operators and their Agents and to verify facts necessary to determine the amount due and payable to the Government.

(3) The Board shall have powers to integrate into the Operators/Agent Gaming system(s) via Application Programming Interface (API) or directly interrogate with the Gaming Operator/Agent's system(s) and extract Data for audit purposes and any other purposes as may be required.

(4) The Board may adopt a cloud base or other technologies involve in the integration of the Board's system with that of the d Operator/Agent Gaming system, whether or not by way of an application allow programming interface integration; and the d Operator shall oblige the Board with such integration.

(5) The Board shall have powers to request Gaming Operators/ Agents in the state to automate its gaming operations/activities to allow real time access to its gaming operations on its Gaming system or platform and other necessary devices suitable enough to effectively interface or interrogate with the Board systems and other devices.

(6) The Board shall have powers to request the standardization and certification of the Operators/Agents computers and software systems and other devices to the satisfaction of the Board through any of her representative or consultant or agent



(7) The EIRS may on demand in any format request for any information relating to the Game operations from the Operators or Agents or representatives;

(8) Upon such request or demand contemplated sub section (5) above, the Operator and Agent shall be duty bound to release such information so obligated within 24 hours.

(9) Notwithstanding power contained in this Law, the Board shall have powers to distrain the Business Premises, Gaming system and other facilities used for the operations of the Game arising from a breach of the provisions of section 23 of this Law.

#### Returns

24. (1) Every Gaming Operator and Agent shall not later than the fifth day of the month immediately after, submit to the EIRS a report containing; total stakes/bets, Gaming transactions, records of winnings and other necessary information as may be required.

(2) Failure to comply with subsection (1) of this section or where false or incorrect returns/information is submitted, same shall amount to a breach to which shall be punishable as stipulated in the Regulations made pursuant to this Law.

#### Power to Regulate Advertisement/Promotion

25. (1) The Board shall have powers to approve and regulate all forms of Gaming advertisement and promotions carried out by the Operators, Agents, or any person(s) involved in Gaming operations in the State

(2) Any advertisement or promotions carried out in relation to Gaming business/ operations by any Operators/Agents without the approval of the Board shall amount to a breach punishable as shall be provided for the Regulation.

#### Treatment, Assessment, Deduction, Remittance and Imposition of Tax

26. (1) All Gaming Operators under this law shall be liable to deduct, remit and pay taxes, as may be provided for in the Regulation made pursuant to this Law.

(2) The rate(s), percentage(s), interest, of taxes and other payments shall be as provided for in the Regulation.

(3) Commissions payable or granted by the Operators or Agents shall be as approved or provided for in the Regulations made pursuant to this Law and a breach shall attract a fine as shall be stipulated in the Regulation.

(4) Gaming Operators shall be responsible for the financial requirements of Agents registration/renewal processes.

**Data Protection**

- 27 The Board through the EIRS shall request the Operators to set Standard for Data Protection management in line with the extant Laws and Regulations.

**Prohibition of  
Private Lotto  
Numbers & Games**

- 28 (1) The Edo State Government shall by notice bring to an end the operations of all forms of Private Lotto/Lottery numbers and Games.

(2). The operations of Edo State approved Lotto/Lotteries numbers and Games shall be conducted in accordance to the Regulations made pursuant to this Law.

**Arbitration**

- 29(1) Any dispute among the promoters and agents, agents and Punters/Stakers/Players of the Game arising from or in connection with Gaming activities, which cannot be mutually settled by the parties shall be referred to an Arbitration Panel set up by the Board.

(2) The decisions of the Arbitration Panel shall be binding on the parties thereto.

**Limitation of Suit  
against the Board  
of Internal Revenue**

- 30 (1) Subject to the provision of this law, the provisions of the Public Officers Protection Act and any extant laws guiding public officers, shall apply in relation to suits instituted against any member, officer or employee of the EIRS or the Board.

(2) No suit against the Board, the Chairman or members of the board or any employee of the Edo State Internal Revenue Service for any act done in pursuant or execution of this Law, or any other law or enactment or any public duties or authority or in respect of any alleged neglect or default in the execution of this or any other law or enactment, duties or authority, shall lie or be instituted in any court unless it is commenced:

- (a) within twelve months after the act or neglect complained of; or
- (b) in the case of a continuation of damage or injury within six months next after the ceasing thereof.

(3) no suit against the Board, the Chairman or members of the board or any employee of the EIRS before the expiration of a period of one month after written notice of intention to commence the suit shall have been served on the Board by the intending plaintiff or his agent



(4) the notice referred to in subsection 3 in this section shall clearly and explicitly state:

- (a) the cause of action;
- (b) the particulars of the claim;
- (c) The name and place of the intending plaintiff; and
- (d) the relief which he claims

**Repealed**

31. The Bendel State Lotteries Edict 1990 is hereby repealed.

**Interpretation**

32. In this Law unless the context otherwise requires-

***“Advertisement” includes announcement, poster, Bill Board, Commercial, flier, electronic commercials***

***“Advertisement ” includes all forms of media advert-radio, television, print, and others like billboards; sign post, fliers, banners etc***

***“Agent” means license representative of the Game operator;***

***“Applicant” means the promoter/ agent applying for registration***

***“Board” means Edo State Board of Internal Revenue***

***“Computer” means any devices, proprietary software and any other material used for storing and processing information, and any reference to information been derived from other information and platforms used for the operation of the Game”***

***“Edo State House Assembly means the House of Assembly of the State;***

***“EIRS” means Edo State Internal Revenue Service***

***“Foreigner” means any individual other than a citizen of Nigeria;***

***“Licensee” means the promoter/ applicant whom the license under this law is granted***

***“Licensor” means Edo State Internal Revenue Service***

***“Lottery” means all legitimate forms of schemes for the distribution***

*of prizes by lot or chance whether electronically or otherwise.*

**“Lotto”** means a game in which numbered balls are drawn at random and players cover the corresponding numbers on their cards.

**“On-line Sports Betting”** means the activities of predicting sports results and placing a wager on the outcome through the internet.

**“Premises”** includes any place or material whatsoever used for **Lottery Lotto and on-Line Sports Betting**;

**“Private Lotto/Lotteries numbers and games”** Means all forms of Lotto numbers games operated by corporate/individuals Lotto/Lottery operators other than the Edo State Government Approve Lotto/Lottery numbers and games.

**Record”** means information kept in both manual and electronic devices.

**“The State”** means **Edo State** of Nigeria

**“Unlicensed Game Operator”** means any operator/agent carrying on gaming activities in any form in Edo State not licensed by the Edo State Board of Internal Revenue Service.

**“Service”** means the Edo State Internal Revenue Service

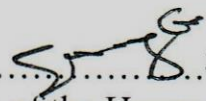
**“Licensed”** means a written authority issued by the Edo State Board of Internal Revenue Service”

**“Punter, Stakers and Players”** means any person (s) or Corporate body who places, plays or stakes numbers or a bet of the game.


**“Officer”** means any person employed in the Edo State Internal Revenue Service



This printed impression has been compared by me with the Law which has been passed by Edo State House of Assembly and found by me to be a true and correctly printed copy of the said Law.

.....  26/08/2020  
Clerk of the House of Assembly

Assented to by me this 26<sup>th</sup> day of August 2020

.....   
Governor of Edo State of Nigeria

Assent withheld by me this ..... day of ..... 2020

.....  
Governor of Edo State of Nigeria