

(UNOFFICIAL TRANSLATION)

GOVERNMENT LOTTERY OFFICE ACT B.E. 2517 (1974)

BHUMIBOL ADULYADEJ, REX.

Given on the 11st Day of September B.E. 2517 (1974);

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 the establishment of the 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 2¹. This Act shall come into force as from 1st October B.E. 2517 (1974).

Section 3². In this Act:

“Board of Directors” means the Board of Directors of the Government Lottery Office;

“Director-General” means the Director-General of the Government Lottery Office;

“Officer” means an officer of the Government Lottery Office;

¹ Published in Government Gazette, Vol. 41, Part 157, Special Issue, Page 1, dated 20th September B.E. 2517 (1974)

² Section 3 was amended by the Government Lottery Office Act (No. 2) B.E. 2562 (2019).

“Employee” means an employee of the Government Lottery Office;

“Educational institution” means the educational institution according to the law on national education;

“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 an establishment of a lottery office to be called the “Government Lottery Office” having the following objectives:

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

Section 6. The Government Lottery Office shall be a juristic person.

Section 7³. The Government Lottery Office shall have its head office in Bangkok Metropolis or neighboring provinces.

Section 8. All activities, properties, rights, liabilities, officers and employees of the Government Lottery Bureau of the Ministry of Finance shall be transferred to the Government Lottery Office.

³ Section 7 was amended by the Government Lottery Office Act (No. 2) B.E. 2562 (2019).

As for the properties transferred under paragraph one, the Government Lottery Office shall set aside money 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, selling, renting, renting out, hire-purchase, exchanging, holding ownership of, possessing and dealing with property and any other claims.

Chapter 2 Supervision, Control and Management

Section 10. The Minister shall have the powers and duties to generally supervise the Government Lottery Office and, for this purpose, may order the Government Lottery Office to give the statement of facts or opinions, submit reports, carry out or refrain from carrying out any act in compliance with the government policies or the resolutions of the Council of Ministers, and also have the power to investigate the facts in connection with its operations.

Section 11⁴. There shall be a Board of Directors to be called the “Board of Directors of the Government Lottery Office” composing of:

- (1) the Permanent Secretary for Finance as Chairperson;
- (2) the representative of the Ministry of Social Development and Human Security, representative of the Ministry of Interior, representative of the Ministry of Justice, representative of the Budget Bureau, representative of the State Enterprise Policy Office and representative of the National Council on Social Welfare of Thailand, as members;

⁴ Section 11 was amended by the Government Lottery Office Act (No. 2) B.E. 2562 (2019).

(3) three (3) qualified members shall be appointed by the Council of Ministers from persons possessing knowledge, expertise and experience in the area of information technology, law and marketing or society. Not more than one (1) person from each area shall be appointed.

The Director-General shall be a member and secretary.

Section 11/1⁵. The qualified members under Section 11 (3) shall hold office for a term of three (3) years and may be re-appointed, but may not serve for more than two (2) consecutive terms.

In the case where qualified members under Section 11 (3) vacate office at the end of the term and new qualified members have not yet been appointed, the qualified members who vacate office at the expiration of such term shall remain in office for continuance of performance but not more than ninety (90) days, until new qualified members are appointed.

Section 11/2⁶. In the case where qualified members under Section 11 (3) vacate office before the expiration of the term and new qualified members have not yet been appointed to fill the vacancy, the existing members shall continue the performance and the Board of Directors shall consist of existing members.

When the position of qualified members under section 11 (3) vacate before the expiration of the term, the appointment of qualified members shall be completed within ninety (90) days as from the date of vacation of office of such members, except that less than ninety (90) days remains in the term of office, the appointment of qualified members to fill the vacancy may be omitted.

The appointed qualified members to fill the vacancy shall be in office for the remaining term of the replaced members.

Section 11/3⁷. At the meeting of the Board of Directors, the presence of not less than one half of the total number of members is required to constitute a quorum.

⁵ Section 11/1 was added by the Government Lottery Office Act (No. 2) B.E. 2562 (2019).

⁶ Section 11/2 was added by the Government Lottery Office Act (No. 2) B.E. 2562 (2019).

⁷ Section 11/3 was added by the Government Lottery Office Act (No. 2) B.E. 2562 (2019).

The Chairperson shall be the Chairperson of the meeting. If the Chairperson is not present or is unable to perform the duty, one (1) member shall be elected at the meeting to preside over the meeting.

A decision of a meeting shall be by a majority of votes. In casting votes, each member shall have one vote. In the case of an equality of votes, the person presiding over the meeting shall have an additional vote as a casting vote.

If a matter associated with any personal interest of members is to be considered, such members have no right to attend the meeting or vote on such matter.

Section 12. Chairperson and members of the Board of Directors shall receive remunerations as prescribed by the Council of Ministers.

Section 13. The Board of Directors shall have the powers and duties to supervise the business and lay down policies of the Government Lottery Office in compliance with its objectives. Such powers and duties shall include:

- (1) issuing rules or regulations to carry out its objectives;
- (2) issuing rules or regulations on the meeting;
- (3) issuing rules or regulations on the divisions of works and operational procedures;
- (4) determining positions, rates of a monthly salary, welfares and aids for officers and employees;
- (5) issuing rules or regulations on recruitment, appointment, pay raise, removal from office, disciplinary measures and penalties for officers and employees as well as granting them the right to appeal against punishment;
- (6) issuing rules or regulations on payment of transportation expense, travelling allowance, accommodations, overtime pay and other expenses;
- (7) prescribing the selling price, methods of sale and selection of government lottery selling agents;

(7/1)⁸ issuing the Notifications for prescribing the categories and formats of the government lottery tickets with the approval of the Council of Ministers. In this regard, public hearing of stakeholders and social impact studies shall be undertaken. Underprivileged and disabled persons must be provided access to become government lottery selling agents;

(7/2)⁹ prescribing the rate of money allocated to state revenue under Section 22 (2) and administrative expenses under Section 22 (3);

(8) issuing rules or regulations on purchasing and procurement;

(9) considering and approving the annual budget;

(10) issuing regulations on payment of gratuities, welfares and aids to officers and employees as well as managing officers and employees' gratuity fund, welfare fund and aid fund.

Section 14. The Board of Directors shall appoint the Director-General and determine the rate of a monthly salary of the Director-General with the approval of the Council of Ministers.

Section 15. A person under any of the following descriptions shall be prohibited from being the Director-General:

(1) being a stakeholder in a business dealt with the Government Lottery Office either directly or indirectly;

(2) being a government officer or an employee at either the central administration, provincial administration or local administration, or an officer or an employee of any state enterprise;

(3) holding a political position or being a member of the assembly in charge of legislative function or local administration;

⁸ Section 13 (7/1) was added by the Government Lottery Office Act (No. 2) B.E. 2562 (2019).

⁹ Section 13 (7/2) was added by the Government Lottery Office Act (No. 2) B.E. 2562 (2019).

- (4) being unable to devote full time to work for 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 (60) years of age.

Section 16. The Director-General vacates office upon:

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

Section 17. The Director-General has the duty to administer the business in accordance with the objectives, policies, rules and regulations of the Government Lottery Office and has the power to command officers and employees.

Section 18. The Director-General shall have the power:

- (1)¹⁰ to recruit, appoint, raise a monthly salary or impose disciplinary penalties on officers and employees as well as to remove them from office, provided that in the case where such officer or employee ranking in the chief of office or equivalent thereto upward, an approval must be obtained from the Board of Directors;
- (2) to prescribe rules and operational procedures 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. Any activity dealing with outside parties, the Director-General shall have the power to act on behalf of the Government Lottery Office. Nonetheless, the Director-General may authorize any person to conduct any specific act on his behalf.

¹⁰ Section 18 (1) was amended by the Government Lottery Office Act (No. 2) B.E. 2562 (2019).

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

Section 20¹¹. Whenever the Director-General is unable to perform his duties or his office is vacant and the Director-General has not yet been appointed, the Board of Directors shall appoint an officer to be the Acting Director-General or to be in charge of Director-General, as the case may be, and Section 15 shall be apply *mutatis mutandis*.

The Acting Director-General or the person in charge of Director-General shall have the same powers and duties as the Director-General.

Section 21. Chairperson, members of the Board of Directors, officers and employees may receive bonus according to the rules prescribed by the Council of Ministers.

Chapter 3

Finance, Accounting and Auditing

Section 22¹². The proceeds received by the Government Lottery Office from the sale of the government lottery tickets shall be allocated as follows:

- (1) sixty (60) percent as prizes;
- (2) not less than twenty-three (23) percent as state revenue;
- (3) not exceeding seventeen (17) percent as administrative expenses including the selling expenses of the government lottery tickets.

Section 23. The money received by the Government Lottery Office other than those received under Section 22 shall be appropriated as administrative expenses.

¹¹ Section 20 was amended by the Act amended on the provision of law regarding the powers and duties of acting person, assigned person, appointed person to be in charge of or for state enterprise executives B.E. 2562 (2019).

¹² Section 22 was amended by the Government Lottery Office Act (No. 2) B.E. 2562 (2019).

Section 24. Fruits arising from proceeds under Section 22 (1) and (2) shall be remitted as state revenue while fruits arising from those under Section 22 (3) shall be appropriated as administrative expenses.

Section 25. The selling expenses of the government lottery tickets which are a part of the administrative expenses under Section 22 (3) shall be prescribed by the Board of Directors with the approval of the Council of Ministers.

Section 26¹³. If there is no person entitled to claim the prizes of any government lottery draw, the proceeds allocated for prize payment under Section 22 (1) shall be rolled over to the next consecutive government lottery draw. The rollover shall take place only one (1) time in accordance with the criteria and procedures prescribed in the Ministerial Regulations. In addition, such money shall be appropriated for prize payment of the next consecutive government lottery draw. If there is no person entitled to claim the prizes of the next consecutive government lottery draw, the money shall be remitted as state revenue.

In respect of the money allocated for prize payment under Section 22 (1), if there is no person entitled to claim the prizes and such money does not appropriate for prize payment under paragraph one, it shall be remitted as state revenue.

The money allocated for prize payment under Section 22 (1), in which there is a person entitled to claim the prizes but such person does not apply for them within the period prescribed under Section 37, shall be remitted as state revenue.

Section 27. The remainder of administrative expenses under Section 22 (3), Section 23 and Section 24, if any, shall be set aside each year by the Government Lottery Office as reserves not exceeding fifty (50) percent, and the rest thereof shall be remitted as state revenue.

Whenever the Minister considers that the money set aside as the reserves under paragraph one is an excessive amount or beyond what is necessary, the Minister himself/herself or with the advice of the Board of Directors shall have the power to give an order reducing such reserves to an amount as he/she may deem appropriate. In such case, the Government Lottery Office shall remit the money exceeding than the amount prescribed by the Minister as state revenue.

¹³ Section 26 was amended by the Government Lottery Office Act (No. 2) B.E. 2562 (2019).

Section 28¹⁴. The Government Lottery Office shall open bank accounts with the state-owned banks or other banks prescribed by the Ministry of Finance.

Section 29. The Government Lottery Office shall prepare an annual budget by allocating the money received in a year and expenses for business operation.

The expenses for business operation shall be divided into capital expenses and operating expenses. The capital expenses shall be submitted to the Council of Ministers for consideration and approval while the operating expenses shall be submitted to the Council of Ministers for acknowledgement.

Section 30¹⁵. The Government Lottery Office shall set up an appropriate accounting system for business in order to prepare an account indicating the actual operating outcome and the financial status in compliance with the accounting standards and generally accepted accounting principles according to the types of money. In addition, it shall provide a good internal control system.

Section 31¹⁶. The Government Lottery Office shall prepare and submit the annual financial statements to the auditor within ninety (90) days after the end of accounting year.

Section 32¹⁷. The State Audit Office of the Kingdom of Thailand shall be the auditor to examine and report the audit results for all types of money of the Government Lottery Office.

Section 33¹⁸. The auditor shall have the powers and duties to examine all account books, documents and evidences of the Government Lottery Office. For this purpose, the auditor shall have the power to interrogate the Chairperson, members of the Board of Directors, Director-General, officers and employees of the Government Lottery Office.

¹⁴ Section 28 was amended by the Government Lottery Office Act (No. 2) B.E. 2562 (2019).

¹⁵ Section 30 was amended by the Government Lottery Office Act (No. 2) B.E. 2562 (2019).

¹⁶ Section 31 was amended by the Government Lottery Office Act (No. 2) B.E. 2562 (2019).

¹⁷ Section 32 was amended by the Government Lottery Office Act (No. 2) B.E. 2562 (2019).

¹⁸ Section 33 was amended by the Government Lottery Office Act (No. 2) B.E. 2562 (2019).

Section 34¹⁹. The auditor must submit the audit report to the Board of Directors within one hundred and sixty-five (165) days after the end of accounting year in order to propose to the Minister.

Section 35. The Government Lottery Office may sell the government lottery tickets by itself or may appoint a person or persons to be an agent for selling them either in whole or in part.

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

Chapter 4 Liabilities 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. Consequently, liabilities arising from the said government lottery tickets shall be treated as lawful liabilities. Furthermore, the issuance of the said government lottery tickets shall be regarded as those licensed and sealed by the competent official under the law on gambling and exempted from fee and tax under such law.

Section 37. The prescription period for claims on the liabilities arising from the issuance of the government lottery tickets under this Act shall be two (2) years.

¹⁹Section 34 was amended by the Government Lottery Office Act (No. 2) B.E. 2562 (2019).

Chapter 5

Aids for officers and employees

Section 38. The Government Lottery Office shall provide gratuity fund, 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 gratuity fund, welfare fund or other aid funds under paragraph one, the payment rules of gratuity fund for officers and employees, contribution, classification of persons who may receive aids, payment of welfare fund and aid funds as well as the administration of the funds shall be in accordance with the regulations prescribed by the Board of Directors with the approval of the Minister.

Chapter 6

Penalties

Section 39²⁰. Any person who offers to sell or sells the government lottery tickets issued under this Act while the winning prizes of which have not yet been drawn at a price higher than that specified on the government lottery tickets shall be liable to a fine not exceeding ten thousand (10,000) baht.

Section 39/1²¹. Any person who sells the government lottery tickets in an educational institution shall be liable to a fine not exceeding ten thousand (10,000) baht.

Section 39/2²². Any person who sells the government lottery tickets to a person under twenty years (20) of age shall be liable to a fine not exceeding ten thousand (10,000) baht.

²⁰ Section 39 was amended by the Government Lottery Office Act (No. 2) B.E. 2562 (2019).

²¹ Section 39/1 was added by the Government Lottery Office Act (No. 2) B.E. 2562 (2019).

²² Section 39/2 was added by the Government Lottery Office Act (No. 2) B.E. 2562 (2019).

Transitory Provisions

Section 40. All rules, regulations and orders of the Government Lottery Office shall remain applicable among officers and employees of the Government Lottery Office as far as they are not contrary to or inconsistent with this Act until it shall have been enacted rules, regulations and orders issued under this Act.

Countersigned by
Sanya Dharmasakti
Prime Minister

Remark: The rationale for the promulgation of this Act is that the issuance of the government lottery tickets is a business directly related to the public. It is a business with high proceeds and expenses in both volume and transaction. Hence, it is expedient to have a law prescribing the Government Lottery Office, which is responsible for this duty, as a juristic person as well as determining proceeds and expenses in suitable and strict manner. Therefore, it is necessary for this Act to come into force.

ORDER OF THE HEAD OF THE NATIONAL COUNCIL FOR PEACE AND ORDER

NO. 11/2558

SUBJECT: MEASURES TO COPE WITH PROBLEMS FROM SELLING
THE GOVERNMENT LOTTERY TICKETS²³

Section 12. The military officials assigned by a Commander in Chief, Royal Thai Army or an Army Area Commander shall have the powers and duties to prevent and suppress actions which violate the law of the Government Lottery Office. This shall not affect the duty of governing officials or police officials under the Criminal Procedure Code.

In the implementation under paragraph one, military officials shall be officials under the Criminal Code and governing officials or police officials under the Criminal Procedure Code.

During the implementation under paragraph one, if there is an action violating or inconsistent with the conditions of an agreement for government lottery selling agents or an agreement for selling the government lottery tickets, military officials shall report it to the Director-General for consideration on the strict application of legal measures. This includes the submission of this matter to relevant authorities to investigate in accordance with the Revenue Code or the law on Anti-money Laundering.

Section 13. When the National Council for Peace and Order is terminated under the provisions of the Constitution, the Board of Directors shall be appointed under the provisions of law of the Government Lottery Office. When it has been completely carried out, this Order shall be repealed.

Section 14. This Order shall come into force upon its publication in the Government Gazette.

²³ Published in Government Gazette, Vol. 132, Special Part 102 NGO, Page 1, dated 1st May B.E. 2558 (2015)

Remark: This translation is provided by the Government Lottery Office as the competent authority for information purposes only. Whilst the Government Lottery Office has made efforts to ensure the accuracy and correctness of the translation, the original Thai text as formally adopted and published shall in all events remain the sole authoritative text having the force of law.

THE ACT AMENDED ON THE PROVISION OF LAW REGARDING THE POWERS AND DUTIES OF
ACTING PERSON, ASSIGNED PERSON, APPOINTED PERSON TO BE IN CHARGE OF OR FOR
STATE ENTERPRISE EXECUTIVES B.E. 2562 (2019)²⁴

Section 2. This Act shall come into force as from the day following the date of its publication in the Government Gazette.

²⁴ Published in Government Gazette, Vol. 136, Part 50 KO, Page 29, dated 16th April B.E. 2562 (2019)

Remark: This translation is provided by the Government Lottery Office as the competent authority for information purposes only. Whilst the Government Lottery Office has made efforts to ensure the accuracy and correctness of the translation, the original Thai text as formally adopted and published shall in all events remain the sole authoritative text having the force of law.

Remark: The rationale for the promulgation of this Act is because a number of the present laws on the state enterprise establishment prescribed the state enterprise executives as members and secretary in the Board of State Enterprises. Furthermore, it also indicates the provision on acting person, assigned person, appointed person to be in charge of or for state enterprise executives in the case where the state enterprise executives vacate office or such state enterprise executives are unable to perform their duties. The powers and duties of acting persons on behalf of the state enterprise executives are restricted and such persons shall not have the powers and duties as members of the Board. This results in problems regarding the composition and performance of the Board of State Enterprises. To resolve such problems, it is expedient to amend the law on the state enterprise establishment. Acting person, assigned person, appointed person to be in charge of or for state enterprise executives shall have the same powers and duties as the executives of state enterprises. It shall cover the powers and duties of the executives as members in the Board of State Enterprises so that the Board of State Enterprises can perform the duties. It is necessary to enact this Act.

GOVERNMENT LOTTERY OFFICE ACT (NO. 2) B.E. 2562 (2019)²⁵

Section 2. This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 15. The Board of Directors of the Government Lottery Office according to the Head of the National Council for Peace and Order No. 11/2558 on the measures to cope with problems from selling the government lottery tickets dated 1st May B.E. 2558 (2015) which is performing the duty on the date of such order being repealed shall continuously perform the duty of the Board of Directors until the Board of Directors of the Government Lottery Office is appointed in accordance with Section 11 of the Government Lottery Office Act B.E. 2517 (1974) amended by this Act.

The appointment of the Board of Directors under Section 11 of the Government Lottery Office Act B.E. 2517 (1974) amended by this Act shall be completed within sixty (60) days as from the date on which such Order of the Head of the National Council for Peace and Order is terminated in compliance with the provisions of the Constitution.

Section 16. The remainder without obligations of the Government Lottery Office's Fund for Social Development according to the Order of the Head of the National Council for Peace and Order No. 11/2558 dated 1st May 2558 (2015) shall be remitted as state revenue within thirty (30) days when such Order is repealed.

Section 17. Pending the issuance of the Notifications for prescribing the categories and formats of the government lottery tickets under Section 13 (7/1) of the Government Lottery Office Act B.E. 2517 (1974) amended by this Act, the Government Lottery Office shall have the powers and duties to continuously issue the government lottery tickets in accordance with the categories and formats of the current operation prior to the date on which this Act comes into force.

Section 18. The Minister of Finance shall have charge and control of the execution of this Act.

²⁵ Published in Government Gazette, Vol. 136, Part 67 KO, Page 96, dated 22nd May B.E. 2562 (2019)

Remark: This translation is provided by the Government Lottery Office as the competent authority for information purposes only. Whilst the Government Lottery Office has made efforts to ensure the accuracy and correctness of the translation, the original Thai text as formally adopted and published shall in all events remain the sole authoritative text having the force of law.

Remark: The rationale for the promulgation of this Act is that it is expedient to amend the provision on composition, holding an office, powers and duties of the Board of Directors of the Government Lottery Office and the Director-General as well as Government Lottery Office's accounts and proceeds allocation from selling the government lottery tickets. It shall also include the amendment of the penalties for an offence in the case where any person offers to sell or sells the government lottery tickets at a price higher than that specified on the government lottery tickets. In addition, the penalties shall be determined in case the government lottery tickets are sold in the educational institutions or to a person under twenty (20) years of age. In order to efficiently facilitate the operation of the Government Lottery Office, it is necessary to enact this Act.