

PROCEDURE FOR GAZETTING OF THE 5% LEVY AND N\$2,000.00 PROCESSING FEE

1. INTRODUCTION

This document outlines the procedure for the gazetting of the 5% levy and the N\$2,000.00 processing fee for promotional competitions under the *Lotteries Act, 2017 (Act No. 13 of 2017)* and the *Lotteries Regulations, 2021*.

The procedure is designed to ensure full compliance with Section 85 of the Lotteries Act, which empowers the Minister of Environment, Forestry and Tourism to make regulations and publish them in the Government Gazette, and Section 4(3)(g), which empowers the Lotteries Board to recommend such amendments or regulatory measures to the Minister.

2. LEGAL FRAMEWORK

The gazetting process is anchored on the following provisions:

- **Section 4(3)(g) of the Lotteries Act, 2017:**
Empowers the Board to recommend to the Minister any amendments to the Act or regulations made under it.
- **Section 5(1) and (3):**
Allows the Minister, after consultation with the Board, to issue general policy guidelines by notice in the Gazette, ensuring stakeholder views are considered.
- **Section 85(1)(3):**
Authorizes the Minister to make and gazette regulations relating to:
 - Prescribed fees, levies, and charges payable under the Act;
 - Procedures for the conduct of lotteries and promotional competitions; and
 - Other administrative or financial matters necessary for the effective operation of the Act.
- **Lotteries Regulations, 2021:**
Provide the procedural framework and current schedule of fees (Annexure 1), which may be updated or expanded through a gazetted notice following recommendation by the Board.

3. PURPOSE OF GAZETTING

The Lotteries Board has resolved to recommend the gazetting of the 5% levy and N\$2,000.00 processing fee applicable to promotional competitions for the following purposes:

- To ensure transparency and legal certainty in the application of regulatory fees;
- To formalize the cost-recovery measures adopted by the Board in accordance with its regulatory mandate;

- To provide a fair and proportionate framework by exempting competitions with prizes below N\$5,000.00 from the N\$2,000.00 processing fee, while still subjecting them to the 5% levy on the total prize and advertising value.

4. GAZETTING PROCEDURE

Step 1: Board Resolution

The Board must pass a formal resolution authorizing the recommendation of the gazetting of the levy and processing fee.

The resolution must include:

- The decision to gazette both the N\$2,000.00 processing fee and the 5% levy;
- The proposed exemption clause for prizes below N\$5,000.00;
- Justification for the decision, including financial and regulatory rationale.

Step 2: Preparation of Submission

The Chief Executive Officer shall prepare a submission to the Executive Director of MEFT, supported by:

- The Board resolution;
- A justification memorandum explaining the need, purpose, and impact of the proposed fees;
- Legal references to the Act and Regulations; and
- Any stakeholder inputs or concerns received by the Board.

Step 3: Ministerial Review and Consultation

Upon receipt, the Executive Director will review the submission and brief the Minister of Environment, Forestry and Tourism. The Minister may, in accordance with Section 5(3) of the Act, consult relevant stakeholders before approval.

Step 4: Legal Drafting and Approval

The Legal Services Division of the Ministry will:

- Draft a Government Notice specifying the new fees and exemption clause;
- Align the wording with Section 85(1)(c) of the Act;
- Submit the draft for Ministerial approval and signature; and
- Where required, submit the notice to Cabinet for noting or endorsement.

Step 5: Publication in the Government Gazette

Following approval, the Minister shall authorize the publication of the Government Notice in the Government Gazette. The fees become legally binding on the date specified in the notice.

Step 6: Implementation and Communication

Once gazetted, the **Lotteries Board** must:

- Communicate the new fees to promoters and stakeholders through public notices and circulars;
- Update all application forms, promotional competition checklists, and compliance materials; and
- Implement internal administrative controls to ensure consistent enforcement.

5. PROPOSED WORDING FOR GAZETTE NOTICE

MINISTRY OF ENVIRONMENT, FORESTRY AND TOURISM

NOTICE UNDER SECTION 85 OF THE LOTTERIES ACT, 2017 (ACT NO. 13 OF 2017)

It is hereby notified for general information that, under **Section 85(1)(c)** of the *Lotteries Act, 2017*, read with the *Lotteries Regulations, 2021*, the Minister of Environment, Forestry and Tourism has determined the following:

1. A processing fee of N\$2,000.00 shall apply to each application for a promotional competition.
2. A levy of five percent (5%) shall be payable on the total prize value of each promotional competition.
3. Competitions with a total prize value below N\$5,000.00 shall be exempted from the N\$2,000.00 processing fee, but remain subject to the 5% levy.
4. A permit shall be issued for each application for the conduct of a promotional competition.

This notice shall come into operation on the date of publication in the *Government Gazette*.

7. CONCLUSION

The gazetting of the 5% levy and the N\$2,000.00 processing fee, including the exemption clause for prizes below N\$5,000.00, will ensure compliance with the *Lotteries Act, 2017* and the *Lotteries Regulations, 2021*. It will strengthen transparency, standardize enforcement, and provide a fair regulatory environment for both promoters and consumers.

Application Forms

FORM NUMBER	TYPE OF LOTTERY	REFERENCE
Form 12	Application for exemption form for Private Lotteries /Exempt Entertainment Lotteries	Exemption from certain regulation - a) Reg. 19 – 23 b) Reg. 25 - 28
Form 13	Application form to conduct Promotional Competitions	Notifications for a specific promotional competition
Form 14	Permit to conduct of Promotional Competitions	Award for the conduct promotional competitions.
Form 15	Application for exemption form for promotional competition	To conduct exempt entertainment lotteries - a) Reg. 53, 54, 56 & 57

LOTTERIES ACT, 2017 (Act No. 13 of 2017)

REQUEST FOR EXEMPTIONS

(Section 54 or 55 and Regulations 24 (4) (5) and 29 (4) (5))

(Please use block letters and complete in full)

TYPE OF EXEMPTION:

PRIVATE LOTTERY:

EXEMPT ENTERTAINMENT LOTTERY:

When completed this form should be sent with the documents listed on page 4 to:

Lotteries Board
Private Bag 13306
Windhoek
Tel: +264 81 950 0780
Website: www.lbn.com.na
Email: info@nlb.com.na

You are reminded that no exemptions, including advertising, may be undertaken in respect of the private and exempt entertainment lottery submitted to the Board until written notification of authorization has been received.

1. Name of Organization:

Name:

Address:

Email:

2. Full name, address and telephone number of the person with whom the Board may communicate about this organization:

Name:

Address:

Email: Tel.....

3. The purpose of exemptions:

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Please identify the Regulation in respect of which exemption is sought

4. Exemption on Private Lotteries:

Regulations 25:

Reasons (Why?):

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Regulations 26:

Reasons (Why?):

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Regulations 27:

Reasons (Why?):

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Regulations 28:

Reasons (Why?):

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Please identify the Regulation in respect of which exemption is sought

5. Exempt Entertainment Lotteries

Regulations 19:

Reasons (Why?):

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Regulations 20:

Reasons (Why?):

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Regulations 21:

Reasons (Why?):

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Regulations 22:

Reasons (Why?):

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Regulations 23:

Reasons (Why?):

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The following declaration should in all cases, be signed by the authorizing person.

DECLARATION

I certify that, to the best of my knowledge and belief, the information I have given in this application is complete and correct. I understand that the Board requires that it be informed immediately if any of the information supplied in this notification changes at a later date.

(Signed) (Date).....

(Name in full)

(Designation)

DOCUMENTS TO BE SUBMITTED FOR PRIVATE AND EXEMPT ENTERTAINMENT LOTTERIES EXEMPTIONS

1. Registration/Constitution of the School/Church/Club/Association
2. A Board resolution authorizing the application to the Lotteries Board for exemption
3. Certified ID copies of the members, not older than 6 months
4. A draft copy of the ticket (Raffle)
5. Details of the prizes to be won, along with all relevant information regarding the raffle, including the date and location of the event and draw etc.

LOTTERIES ACT, 2017 (Act No. 13 of 2017)

**APPLICATION FOR A PERMIT TO CONDUCT A PROMOTIONAL
COMPETITION**

(Section 72 and Regulations 57)

TO:

The Chief Executive Officer,
Lotteries Board of Namibia
Private Bag 13306,
Windhoek, Namibia.
Tel: +264 81950 0780
Email: info@nlb.com.ba

1. Applicant Details

I of

(Full name)

.....

(Company name)

Physical Address:

.....

Postal Address:

.....

Contact Person: Tel:

Email:

Duly authorized to apply on behalf of the promoter(s) specified below, hereby apply for a permit authorizing the promotion of the following prize competition:

.....

4. Winner Selection Method

What method will be used to decide the winners?

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5. Promotional Costs (Estimated)

Advertising costs (TV, radio, press, digital, etc.): N\$.....

Cost of prizes:

- 1st Prize: N\$.....
- 2nd Prize: N\$.....
- 3rd Prize: N\$.....
- Other/Consolation Prizes: N\$.....

Total Prize Cost: N\$.....

(If space provided for prizes is not adequate, attach a separate schedule.)

6. Prize Distribution

How will prizes be distributed to winners?

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7. Competition Duration & Draw Date

Duration of the promotion:

Date and venue of the prize draw:

The declaration below must be duly completed and signed by the promoter of the promotional competition.

DECLARATION

I certify that, to the best of my knowledge and belief, the information I have given in this application is complete and correct. I understand that the Board requires that it be informed immediately if any of the information supplied in this notification changes at a later date.

(Signed) (Date).....

(Name in full)

(Designation)

DOCUMENTS TO BE SUBMITTED WITH NOTIFICATION

1. A copy of the competition rules.
2. A copy of the company profile of directors.
3. A resolution the organizer's governing body approving the promotion of competition.
4. Certified ID copies of the applicant, shareholders and directors (if applicable), not older than 6 months.
5. A letter from the organizer's governing body authorizing the promoter to act in that capacity (if applicable).
6. Company financial statement or an external auditor's letter of comfort (AFS).
7. Proof of payment of the applicable Lotteries Board fee (attached).

Note: Any modification to the promotional competition should be approved by the Lotteries Board. The payment of a fee to the Board in respect of the processing of that notification.

OFFICE USE ONLY

Processing fees: N\$ 2000

Prize Value 5%

Invoice No.:

Signed:

Date:

Notes:

1. Applications/notification must be submitted to the Lotteries Board of Namibia (LBN) at least 30 days before the start of the competition.
2. Unclaimed prizes must be surrendered to the Board within 3 months of the draw date.
3. All competition records must be retained for at least 3 years.

LOTTERIES BOARD
PERMIT FOR PROMOTIONAL COMPETITION
(Section 72)

This is to certify that:

Name

Has been registered as to conduct a promotional competition in terms of Section 72(4)(b)(iv) of the Act

Address:

Permit Registration No:

Effective date of Registration:

Valid Period:

Chief Executive Officer

Date issued

Lotteries Board of Namibia
Private Bag 13306
Windhoek
Tel: +264 81 950 0780
Website: www.lbn.com.na
Email: info@nlb.com.na

LOTTERIES ACT, 2017 (Act No. 13 of 2017)

REQUEST FOR EXEMPTIONS

(Section 72 and Regulations 58 (4) (5))

(Please use block letters and complete in full)

EXEMPTION PROMOTIONAL COMPETITION

When completed this form should be sent with the documents listed on page 4 to:

Lotteries Board
Private Bag 13306 Windhoek
Tel: +264 81 950 0780
Website: www.lbn.com.na
Email: info@nlb.com.na

You are reminded that no exemptions, including advertising, may be undertaken in respect of the promotional competitions submitted to the Board until written notification of authorization has been received.

1. Name of Business:

Name:

Address:

Email:

2. Full name, address and telephone number of the person with whom the Board may communicate about this organization:

Name:

Address:

Email: Tel.....

3. The purpose of exemptions:

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Please Identify the Regulation in respect of which exemption is sought

4. Exemption on Promotional Competition

Regulations 53:

Reasons (Why?):

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Regulations 54:

Reasons (Why?):

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Regulations 56:

Reasons (Why?):

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Regulations 57:

Reasons (Why?):

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The following declaration should in all cases, be signed by the authorizing person.

DECLARATION

I certify that, to the best of my knowledge and belief, the information I have given in this application is complete and correct. I understand that the Board requires that it be informed immediately if any of the information provided in the exemptions changes at a later date.

(Signed) (Date).....

(Name in full)

(Designation)

Footnotes:

1. *This exemption applies only to the competition(s) specified in this application.*
2. *Exemptions should be sought 90 days prior.*
3. *Approval does not automatically allow hosting more than six competitions per year; a separate exemption must be applied for each additional competition exceeding the six allowed by the Act.*
4. *Supporting documentation (rules, prize lists, marketing materials, budgets, draw procedures) must be attached.*

ANNEXURE C

FEES AND PENALTIES

APPLICATION AND REGISTRATION FEES	Current	Proposed
Application for State Lottery or sports pool license	150 000	300 000
Issuing of original State Lottery or sports pool license	1 000 000	30 000 000
Guarantee in respect of State Lottery license (refundable)	100 000 000	70 000 000
Duplicate State Lottery or sports pool license	10 000	25 000
Annual fee for State Lottery or sports pool license	250 000	500 000
Application for registration of benevolent society	1 000	2 500
Registration and benevolent certificate	2 000	2 000
Application for lottery manager certificate	500	1 500
Lottery manager certificate	4 000	5 000
Processing of Application to conduct promotional competitions	-	2 000
REGISTRATION OF EACH SCHEME BY SOCIETY		
1. For each lottery promoted by a society, the total prize value does not exceed N\$10 000	nil	nil
2. For each lottery promoted by a society, the total prize value exceeds N\$10 000 but not N\$50 000	200	350
3. For each lottery promoted by a society, the total prize value exceeds N\$50 000 but not N\$100 000	320	550
4. For each lottery promoted by a society, the total prize value exceeds N\$100 000 but not N\$500 000	530	750
5. For each lottery promoted by a society, the total prize value exceeds N\$500 000 up to N\$1million	1 000	2 000
NOTIFICATION OF EACH PROMOTIONAL COMPETITIONS		
1. For each promotional competition by an entity/company, on the total prize value	-	5%
PENALTIES FOR LATE PAYMENT OF ANNUAL FEES - PART 10		
On the outstanding amount	10%	-

Lotteries Regulations (Amendments)

Amendment of Regulations related to private lotteries /exempt entertainment lotteries

1. Regulations to be amended by the substitution of the following:

Applications for private lotteries /exempt entertainment lotteries

“(1) A person intending to conduct a private lottery /lottery incidental exempt entertainment as contemplated in Regulation 24 (4) or Regulation 29 (4) of the Lotteries Regulations, 2021-256 must apply to the Board in writing for an exemption in terms of sub regulations (1) of regulations 24 and 29 on Form set out in annexure 1, and such application must be accompanied by –

- (a) Reasons for every exemption sought.

Amendment of Regulations related to promotional competitions

2. Regulations to be amended by the substitution of the following:

Registration for promotional competitions

A person who wishes to register a promotional competition as contemplated in Section 72 (2) of the Act must apply on Form as set out in Annexure 2, and such application must be accompanied by –

- (a) pay the relevant fees set out in Annexure 1 of the Regulations – Fees and Penalties

Promotional competitions permit

The board must, on payment of the fees set out in Annexure 1, issued to the applicant a permit for each promotional competition on Form, as set out in Annexure 2.

Notification of promotional competitions

A person who or category of persons who conducts, promotes, organizes or in any other way is associated with promotional competitions must notify the board of every promotional competition and the conditions and requirements, including the information in respect of each promotional competition must apply to the board on Form 12 as set out in Annexure 2, and such application must be accompanied by –

- a) payment of the fees set out in Annexure 1,
- b) the frequency, duration and maximum number of promotional competitions to be run in a calendar year.