
STATUTORY INSTRUMENTS

1985 No. 1204

**The Betting, Gaming, Lotteries and
Amusements (Northern Ireland) Order 1985**

PART IV

LOTTERIES

Societies' lotteries

Offences relating to societies' lotteries

139.—(1) If any requirement of this Part^[F1], of any regulations made under it or of any order made under Article 137(4)] in respect of a society's lottery is contravened, the promoter of that lottery and any other person who is party to the contravention shall be guilty of an offence.

(2) If any person knowingly gives in any return sent by him under this Part any information which is false in a material particular he shall be guilty of an offence.

(3) It shall be a defence for a person charged with any offence under paragraph (1) only by reason of his being the promoter to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

^{[F1(3A)} It shall be a defence for a person charged with an offence under paragraph (1) in respect of a contravention of Article 137(11) to prove—

- (a) that the proceeds of the lottery fell short of the sum reasonably estimated; and
- (b) that the amount or value of the prize in question would not have contravened Article 137(11) if the proceeds of the lottery had amounted to the sum reasonably estimated; and
- (c) that, if the amount or value of the prize had been any less, an unconditional undertaking as to prizes given in connection with the sale of tickets or chances would have been broken.]

(4) It shall be a defence for any person charged with an offence under paragraph (1) in respect of an appropriation made in contravention of Article 137(13) or (14) to prove—

- (a) that the proceeds of the lottery fell short of the sum reasonably estimated; and
- (b) that the appropriation was made in order to fulfil an unconditional undertaking as to prizes given in connection with the sale of the relevant tickets or chances, or in respect of expenses actually incurred; and
- (c) that the total amounts appropriated in respect of prizes or expenses did not exceed the amounts which could lawfully have been appropriated out of the proceeds of the lottery under the said paragraphs if the proceeds had amounted to the sum reasonably estimated.

^{[F1(4A)} It shall be a defence for any person charged with an offence under paragraph (1) in respect of an appropriation made in contravention of Article 137(15C) to prove—

- (a) that the proceeds of the lottery fell short of the sum reasonably estimated; and
- (b) that the appropriation was made—

Changes to legislation: *The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, Section 139 is up to date with all changes known to be in force on or before 18 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (i) in order to fulfil an unconditional undertaking as to prizes given in connection with the sale of the relevant tickets or chances; or
 - (ii) in respect of expenses actually incurred; or
 - (iii) in order to fulfil an unconditional undertaking as to prizes given in connection with the sale of the relevant tickets or chances and in respect of expenses actually incurred; and
- (c) that the total amounts appropriated in respect of prizes and expenses did not exceed the amounts which could lawfully have been appropriated out of the proceeds of the lottery under paragraph (15C) if the proceeds had amounted to the sum reasonably estimated.]
- (5) It shall be a defence for any person charged with an offence under paragraph (1) in respect of a^{F1} contravention of an order made under Article 137(4) or of Article 137(12)] to prove that the date of a lottery was later than he had expected for reasons which he could not foresee.

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Changes and effects yet to be applied to :

- Instrument applied by [1997 c. 16 s.15\(3\)](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Act applied by [1997 c. 16 s.15\(3\)](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 172A and cross-heading inserted by [2022 c. 14 \(N.I.\) s. 15\(1\)](#)
- art. 186(3A) inserted by [2022 c. 14 \(N.I.\) s. 15\(2\)\(a\)](#)