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STATUTORY INSTRUMENTS

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**1985 No. 1204**

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

**PART IV**

**LOTTERIES**

*Societies' lotteries*

***Societies' lotteries***

**135.**—(1) Subject to the provisions of this Order, a society's lottery is not unlawful if—

- (a) it is promoted in Northern Ireland; and
- (b) the society is registered under Article 136; and
- (c) it is promoted in accordance with a lottery scheme approved by the registered society.

(2) The whole proceeds of a society's lottery, after deducting sums lawfully appropriated on account of expenses or for the provision of prizes, shall be applied to the purposes of the registered society.

***Registration of societies***

**136.**—(1) An application for the registration of a society shall be made to the district council for the district in which the office or head office of the society is situated and a copy of the application shall be served upon the sub-divisional commander of the police sub-division in which the office or head office of the society is situated.

(2) An application under paragraph (1) shall—

- (a) specify the purposes for which the society is established and conducted; and
- (b) contain such other information with respect to those purposes as the district council may reasonably require; and
- [<sup>F1</sup>(bb) specify the address of the office or head office of the society; and]
- (c) have attached to it a copy of its lottery scheme.

(3) Subject to paragraphs (4) and (5), where an application is made for the registration of a society, the district council, after hearing representations, if any, from the sub-divisional commander upon whom notice is required by paragraph (1) to be served, and on payment of a fee of [<sup>F2</sup> £35], may register the society in a register kept by the district council for that purpose.

(4) A district council shall refuse to register a society, unless it is satisfied—

- (a) that the society satisfies the conditions specified in the definition of “society's lottery” in Article 2(2) in relation to the purposes of the society; and
- (b) that the lottery scheme is not contrary to law.

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- (5) A district council may refuse to register a society, if it is satisfied—
- (a) that any person connected with a lottery promoted or proposed to be promoted on behalf of the society has been convicted of—
    - (i) an offence under Article 132 or 139(1) or (2); or
    - (ii) an offence under section 25 of the Betting and Lotteries Act (Northern Ireland) 1957; or
    - (iii) any offence involving fraud or dishonesty; or
  - [<sup>F1</sup>(aa) that the address of the office or head office of the society is the same as that of the office or head office of another registered society that is established for the same or a connected purpose; or]
  - (b) that any lottery promoted by or on behalf of the society within the last 5 years has not been properly conducted.
- (6) Where a district council registers a society under paragraph (3) it shall notify the society in writing.
- (7) Where a registered society applies to the district council for the cancellation of the registration, the district council shall cancel the registration.
- (8) Every registered society shall pay to the district council on 1st January in each year a fee of [<sup>F2</sup> £17.50].
- (9) A district council shall revoke the registration of a society if it is satisfied that the society has ceased to satisfy the conditions specified in the definition of “society's lottery” in Article 2(2) in relation to the purposes of the society.
- (10) A district council may revoke the registration of a society if it is satisfied—
- (a) that any person connected with a lottery promoted or proposed to be promoted on behalf of the society has been convicted of an offence mentioned in paragraph (5)(a)(i) to (iii); or
  - [<sup>F1</sup>(aa) that the address of the office or head office of the society is the same as that of the office or head office of another registered society that is established for the same or a connected purpose; or]
  - (b) that the lottery scheme is contrary to law; or
  - (c) that any lottery promoted by or on behalf of the society within the last 5 years has not been properly conducted; or
  - (d) that the fee mentioned in paragraph (8) has not been paid; or
  - (e) that an officer of the council has been refused reasonable facilities to inspect the records of the society or the promotion of any lottery.
- [<sup>F1</sup>(10A) A registered society shall notify the district council of any change in the address of the society's office or head office within 21 days from the day on which the change takes effect.]
- (11) Where a registered society changes, whether by way of substitution of a new lottery scheme or otherwise, the lottery scheme submitted to the district council under paragraph (2)(c), the society shall notify the change to the district council before any tickets or chances are sold in any lottery conducted under the new or revised lottery scheme.
- (12) A district council shall serve a copy of—
- (a) any notice served on it under paragraph [<sup>F1</sup> (10A) or (11)],
  - (b) any notice served by it under Article 119, as applied by paragraph (13),
- on the sub-divisional commander for the police sub-division in which the office or head office of the society to which the notice relates is situated.

(13) Article 119 shall apply to the refusal, or revocation, of registration under paragraphs (4), (5), (9) and (10) as it applies to the refusal to grant an amusement permit.

(14) Where a district council revokes the registration of a society under paragraph (9) or (10) and the society appeals, the registration shall continue until the appeal is determined or abandoned.

(15) The Department may, by order subject to affirmative resolution, substitute for the fees specified in paragraphs (3) and (8) such other fees as may be specified in the order.

<b>F1</b>	1994 NI 8
<b>F2</b>	SR 1995/343

### **Rules for societies' lotteries**

**137.**—(1) In this Article “lottery” means a society's lottery.

(2) The promoter of the lottery shall be a member of the society authorised in writing by the governing body of the society to act as the promoter.

(3) Every ticket<sup>[F3]</sup> distributed or sold] shall specify the name of the society, the name and address of the promoter and the date of the lottery.

<sup>[F3]</sup>(4) The Department may, by order subject to affirmative resolution, specify—

- (a) the maximum number of lotteries that may be promoted on behalf of the same society in any year; and
- (b) the minimum number of days that must elapse between the dates of any two lotteries promoted on behalf of the same society.]

(5) No ticket or chance in a lottery shall be sold at a price exceeding <sup>[F4]</sup>£100].

(6) The price of every ticket or chance shall be the same, and the price of any ticket<sup>[F3]</sup> distributed or sold] shall be stated on the ticket.

(7) No person shall be admitted to participate in a lottery in respect of a ticket or chance except after payment to the society of the whole price of the ticket or chance; and no money received for or on account of a ticket or chance shall in any circumstances be returned.

(8) The price shown on every ticket shall be the whole price paid for it.

(9) The total proceeds from the sale of tickets or chances shall constitute the whole proceeds of the lottery.

(10) Subject to the conditions governing the lottery, participation in the lottery shall depend solely on the purchase of a ticket or chance in it.

(11) No prize in a lottery shall exceed<sup>[F3]</sup> in amount or value £25,000 or 10 per cent. of the proceeds of the lottery (whichever is greater)].

(12) The total value of the tickets or chances sold in a lottery shall not exceed £80,000 for any single lottery or £1,000,000 for all the lotteries promoted by any society in any year.

(13) The amount of the proceeds of a lottery appropriated for the provision of prizes shall not<sup>F3</sup> . . . exceed 50 per cent. of the proceeds of the lottery.

(14) The amount of the proceeds of a lottery appropriated on account of expenses (exclusive of prizes) shall not exceed whichever is the less of—

- (a) the expenses actually incurred; or
- <sup>[F5]</sup>(b) 20 per cent. of the whole proceeds of the lottery.]

<sup>F6</sup>(15) . . . . .

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[<sup>F3</sup>(15A) For the purposes of paragraph (14), the amount of any expenses that are met—

- (a) by the society on whose behalf the lottery is promoted, or
- (b) by any beneficiary of the lottery,

shall be treated as having been appropriated on account of expenses from the proceeds of the lottery.

(15B) In paragraph (15A) “beneficiary of the lottery” means a person (other than the society on whose behalf the lottery is promoted) to whom or for whose benefit any of the proceeds of the lottery, other than amounts appropriated in respect of expenses or prizes, are lawfully paid or applied.

(15C) The amount of the proceeds of a lottery appropriated for the provision of prizes and the amount of those proceeds appropriated on account of expenses (exclusive of prizes) shall not exceed in aggregate such percentage of the whole proceeds of the lottery as the Department may specify, by order subject to affirmative resolution.]

(16) A society shall not employ any person as an external lottery consultant or manager unless that person holds a lottery certificate.

(17) The promoter of a lottery shall, not later than the end of the third month after the date of the lottery, send a return in such form and containing such information as regulations may prescribe to such persons as may be so prescribed.

(18) Every registered society shall keep copies of any return sent under paragraph (17) together with copies of supporting bills, receipts and accounts for a period of at least 18 months and during that period shall supply, on request, a copy of that return and these other documents to the district council or any member of the Royal Ulster Constabulary.

(19) Any officer of a district council authorised in writing in that behalf may, on production, if required, of his credentials, at any reasonable time, enter any office of a registered society and—

- (a) inspect the records of the society; and
- (b) inspect the promotion of any lottery.

(20) Every person who obstructs an officer of a district council in the exercise of the powers conferred by paragraph (19) shall be guilty of an offence.

(21) The Department may, by order subject to affirmative resolution substitute for any amount or percentage specified in this Article such other amount or percentage as may be specified in the order.

**F3** 1994 NI 8

**F4** Sum in art. 137(5) substituted (27.4.2022) by [Betting, Gaming, Lotteries and Amusements \(Amendment\) Act \(Northern Ireland\) 2022 \(c. 14\)](#), **ss. 10(a)**, 17(2)

**F5** [Art. 137\(14\)\(b\) substituted \(27.4.2022\) by Betting, Gaming, Lotteries and Amusements \(Amendment\) Act \(Northern Ireland\) 2022 \(c. 14\)](#), **ss. 10(b)**, 17(2)

**F6** [Art. 137\(15\) repealed \(27.4.2022\) by Betting, Gaming, Lotteries and Amusements \(Amendment\) Act \(Northern Ireland\) 2022 \(c. 14\)](#), **ss. 10(c)**, 17(2)

### ***Regulation of societies' lotteries***

**138.**—(1) Regulations may make such provision with respect to the promotion of societies' lotteries as may be considered necessary or expedient and without prejudice to the generality of the foregoing, regulations may make provision with respect to all or any of the following matters—

- (a) the persons to whom and by whom tickets or chances in a lottery may or may not be sold;
- (b) the rewards, if any, for persons by whom tickets are sold;
- (c) the circumstances in which tickets or chances may be sold and in which persons may be invited to purchase tickets or chances;

- (d) the minimum age at which any person may buy a ticket or chance;
- (e) the standards of, and the conditions for the production of, tickets;
- (f) any information which must, or must not, appear on a ticket;
- (g) the manner in which a lottery may be advertised;
- (h) the use of postal services in connection with lotteries;
- (i) the matters in respect of which expenses in a lottery may be incurred;
- (j) the provision of accounts in relation to any lottery and any information which may be required in respect of any lottery promoted or to be promoted;
- (k) the provision of such other information as may be so prescribed.

(2) Before making any regulations under this Article, the Department shall consult such associations of district councils as appear to the Department to be concerned.

### ***Offences relating to societies' lotteries***

**139.**—(1) If any requirement of this Part<sup>[F7]</sup>, 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.

<sup>[F7]</sup>(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.

<sup>[F7]</sup>(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—
  - (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

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- (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<sup>F7</sup> 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.

**F7** 1994 NI 8

**Changes to legislation:**

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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\(2\)\(a\)](#)