



# Lotteries Act 1975

## 1975 CHAPTER 58

An Act to make further provision with regard to lotteries promoted on behalf of societies or as incidents of entertainments; to authorise local authorities to promote lotteries; and for connected purposes. [7th August 1975]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### *Lotteries Authorised by Act*

#### **1 Power of certain societies and of local authorities to promote lotteries**

- (1) Subject to the provisions of this Act,—
  - (a) a lottery is lawful if it is promoted in Great Britain on behalf of a society which is for the time being registered under Schedule 1 to this Act; and
  - (b) a lottery is lawful if it is promoted in Great Britain by a local authority.
- (2) In this Act " society " means a society (including a club, institution, organisation or association of persons, by whatever name called, and any separate branch or section of such a club, institution, organisation or association) which is established and conducted wholly or mainly for one or more of the following purposes, that is to say—
  - (a) charitable purposes;
  - (b) participation in or support of athletic sports or games or cultural activities;
  - (c) purposes which are not described in paragraph (a) or (b) above and are neither purposes of private gain nor purposes of any commercial undertaking ;and " society's lottery " means a lottery promoted on behalf of a society.
- (3) Any purpose for which a society is established and conducted and which is calculated to benefit the society as a whole shall not be held to be a purpose of private gain by reason only that action in its fulfilment would result in benefit to any person as an individual.

- (4) In this Act " local authority " means—
- (a) in England, a county council, the Greater London Council, a district council, a London borough council, the Common Council of the City of London, the Council of the Isles of Scilly and a parish council;
  - (b) in Wales, a county council, a district council and a community council; and
  - (c) in Scotland, a regional council, an islands council and a district council;
- and " local lottery " means a lottery promoted by a local authority.
- (5) In the Betting, Gaming and Lotteries Act 1963—
- (a) in section 41 (under which lotteries in general are unlawful) after the words " this Act " there shall be inserted the words " and the Lotteries Act 1975 "; and
  - (b) at the end of paragraph (b) of section 42(2) (defences for persons charged with offences in connection with lotteries) there shall be added " or
  - (c) that the lottery to which the proceedings relate was a lottery authorised by the Lotteries Act 1975, and that at the date of the alleged offence the person charged believed, and had reasonable ground for believing, that it was being conducted in accordance with the requirements of that Act. "

### *Societies' Lotteries*

## **2 Organisation and purposes of societies' lotteries**

- (1) A society's lottery is unlawful unless—
- (a) it is promoted in accordance with a scheme approved by the society ; and
  - (b) one of the conditions specified in subsection (2) below is satisfied.
- (2) The conditions mentioned in subsection (1)(b) above are—
- (a) that the total value of tickets or chances to be sold is £5,000 or less ; and
  - (b) that the scheme is registered with the Board before any tickets or chances are sold.
- (3) 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 purposes of the society such as are described in section 1(2) above.

### *Local lotteries*

## **3 Local authority schemes**

- (1) A local lottery is unlawful unless—
- (a) it is promoted in accordance with a scheme approved by the local authority ;  
and
  - (b) the scheme is registered with the Board before any tickets or chances are sold.
- (2) The functions of local authorities for the discharge of which arrangements may be made under section 101 of the Local Government Act 1972 or section 56 of the Local Government (Scotland) Act 1973 (arrangements for the discharge of a local authority's functions by a committee, a sub-committee or an officer of the authority, or by another local authority) do not include the approval of schemes for local lotteries.

#### **4 Purposes of a local lottery**

- (1) A local authority may promote a local lottery for any purpose for which they have power to incur expenditure under any enactment, including, without prejudice to the generality of this subsection, section 137 of the Local Government Act 1972 and section 83 of the Local Government (Scotland) Act 1973 (power of local authorities to incur expenditure for certain purposes not otherwise authorised).
- (2) It shall be the duty of a local authority—
  - (a) to give such publicity to the object of a local lottery as will be likely to bring it to the attention of persons purchasing tickets or chances ; and
  - (b) subject to the following provisions of this section, to apply money accruing from a local lottery only to the object of the lottery.
- (3) In this section " object" means the particular purpose or purposes for which a local authority promote a local lottery.
- (4) The Secretary of State, upon receipt of an application from a local authority for his consent to the use of money accruing from a local lottery for a purpose suggested by the local authority other than the object of the lottery, may give that consent if and only if he is satisfied—
  - (a) that the object of the lottery, in whole or in part—
    - (i) has been as far as may be fulfilled ; or
    - (ii) cannot be carried out; or
  - (b) that the object provides a use for part only of the money accruing from the lottery ; or
  - (c) that the money accruing from the lottery and other money applicable for similar purposes can be more effectively used in conjunction, and to that end can suitably be made applicable to common purposes; or
  - (d) that the object was specified by reference to an area which was, when the object was specified, but has since ceased to be, a unit for some other purpose, or by reference to a class of persons or to an area which has for any reason since ceased to be suitable; or
  - (e) that the object, in whole or in part, has since it was specified—
    - (i) been adequately provided for by other means; or
    - (ii) ceased in any other way to provide a suitable and effective method of using money accruing from the lottery.
- (5) If the Secretary of State consents to the use of money accruing from a local lottery for a purpose other than its object, it shall be the duty of the local authority to use it only for the purpose for which the consent is given.

#### **5 Proceeds of local lotteries**

- (1) A local authority shall pay the whole proceeds of a local lottery, after deducting the expenses of promoting it and the sums required for prizes, into a fund (in this section referred to as a " lottery fund "), and any money in such a fund shall be invested by the local authority and any income arising from such investment shall be credited to the fund.
- (2) It shall be the duty of a local authority to maintain a separate lottery fund for each local lottery which they promote.

- (3) The payment by a local authority out of their rate fund, within the meaning of subsection (7) of section 1 of the Local Government Act 1974, of money accruing from a local lottery shall not be relevant expenditure within the meaning of subsection (4) of that section; and accordingly in the said subsection (4) after the word " below " there shall be inserted the words " and section 5(3) of the Lotteries Act 1975 ".

*Registration, accounts, etc.*

**6 Registration of societies**

Schedule 1 to this Act shall have effect.

**7 Registration of schemes**

Schedule 2 to this Act shall have effect.

*Rules for lotteries authorised by Act*

**8 Frequency of lotteries**

- (1) No society or local authority shall hold more than fifty-two lotteries in any period of twelve months, but—
- (a) when the date of two or more society's lotteries promoted on behalf of one society is the same and the total value of the tickets or chances to be sold in those lotteries does not exceed £10,000, all those lotteries shall be treated as one ; and
  - (b) when the date of two or more lotteries promoted by one local authority is the same and the total value of the tickets or chances to be sold in those lotteries does not exceed £10,000, all those lotteries shall be treated as one.
- (2) The date of any lottery promoted on behalf of a society shall be not less than seven days after the date of any previous lottery promoted on behalf of that society, except that the date of a lottery promoted for the purpose of selling tickets or chances wholly or mainly to persons attending a particular athletic or sporting event may be seven days or less after the date of a previous lottery promoted on behalf of the society.
- (3) The date of any lottery promoted by a local authority shall be not less than seven days after the date of any previous lottery promoted by that authority.

**9 Rules for authorised lotteries**

- (1) In the case of a society's lottery—
- (a) 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 ; and
  - (b) every ticket and every notice or advertisement of the lottery lawfully exhibited, distributed or published shall specify the name of the society, the name and address of the promoter and the date of the lottery.
- (2) No ticket or chance in a society's lottery or a local lottery shall be sold at a price exceeding 25p.

- (3) The price of every ticket or chance shall be the same, and the price of any ticket shall be stated on the ticket.
- (4) No person shall be admitted to participate in a society's lottery or a local lottery in respect of a ticket or chance except after payment to the society or authority 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.
- (5) No prize in a society's lottery which satisfies the condition specified in section 2(2)(a) above shall exceed £1,000 in amount or value.
- (6) No prize—
  - (a) in a society's lottery which satisfies the condition specified in section 2(2) (b) above ; or
  - (b) in a local lottery,shall exceed in amount or value the sum which is specified in subsection (7) below as the appropriate sum in relation to that lottery.
- (7) the appropriate sum is—
  - (a) £1,000, for a short-term lottery ;
  - (b) £1,500, for a medium-term lottery ; and
  - (c) £2,000, for any other lottery.
- (8) The total value of the tickets or chances sold—
  - (a) in a society's lottery which satisfied the condition specified in section 2(2)(b) above ; or
  - (b) in a local lottery,shall not exceed the sum which is specified in subsection (9) below as the appropriate sum in relation to that lottery.
- (9) the appropriate sum is—
  - (a) £10,000 for a short-term lottery ;
  - (b) £20,000, for a medium-term lottery ; and
  - (c) £40,000 for any other lottery.
- (10) For the purposes of subsections (7) and (9) above—
  - (a) a lottery is a short-term lottery if less than one month has passed between the date of that lottery and the date of a previous lottery promoted on behalf of the same society or by the same authority ; and
  - (b) a lottery is a medium-term lottery if less than three months but not less than one month has passed between the date of that lottery and the date of a previous lottery promoted on behalf of the same society or by the same authority.
- (11) The amount of the proceeds of a society's lottery or a local lottery appropriated for the provision of prizes shall not exceed one half of the whole proceeds of the lottery.
- (12) The amount of the proceeds of a society's lottery or a local lottery appropriated on account of expenses (exclusive of prizes) shall not exceed whichever is the less of—
  - (a) the expenses actually incurred ; and
  - (b) whichever of the amounts referred to in subsection (13) below applies.
- (13) The amounts referred to in paragraph (b) of subsection (12) above are—

- (a) where the whole proceeds of the lottery do not exceed £5,000, 25 per cent, of those proceeds ; or
- (b) where the whole proceeds of the lottery do exceed £5,000, 15 per cent, of those proceeds or such larger percentage, not exceeding 25 per cent., as the Board may authorise in the case of a particular lottery.

## 10 Regulations

- (1) The Secretary of State may by regulations prescribe provisions to be included in—
  - (a) any scheme approved by a society for the promotion of a lottery; and
  - (b) any scheme approved by a local authority for the promotion of a lottery.
- (2) The Secretary of State may by regulations make such provision with respect to the promotion of society's lotteries or local lotteries as he may consider necessary or expedient.
- (3) Without prejudice to the generality of subsection (2) above, the Secretary of State may by regulations impose requirements or restrictions 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 circumstances in which tickets or chances may be sold and in which persons may be invited to purchase tickets or chances;
  - (c) the minimum age at which any person may buy a ticket or chance;
  - (d) any information which must, or must not, appear on a ticket;
  - (e) the manner in which a lottery may be advertised ;
  - (f) the use of postal services in connection with lotteries ;
  - (g) the matters in respect of which expenses in a lottery may be incurred.
- (4) Any power to make regulations under this section may be exercised so as to make different provision in relation to different cases or different circumstances.
- (5) It shall be the duty of the Secretary of State before making any regulations under this section to consult—
  - (a) the Board ; and
  - (b) such associations of local authorities as appear to him to be concerned.

## 11 Orders and fees

- (1) The Secretary of State may by order vary—
  - (a) the figure of £5,000 in section 2(2)(a) above and in paragraph 2 of Schedule 2 to this Act; and
  - (b) any monetary limit in section 8(1) or 9 above.
- (2) The Secretary of State may by order vary the fee payable to a registration authority under paragraph 3 or 9 of Schedule 1 to this Act.
- (3) The Secretary of State may by order prescribe the fees to be payable to the Board under paragraph 7 of Schedule 2 to this Act.

- (4) An order under subsection (3) above may, instead of specifying the amount of any fee, authorise the Board to determine the amount subject to such limit, or in accordance with such provisions, as may be prescribed by the order.

## **12 Offences**

- (1) If any requirement of this Act or of any regulations made under this Act in respect of a society's lottery or a local 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) It shall be a defence for a person charged with any offence 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.
- (3) It shall be a defence for any person charged with an offence in respect of an appropriation made in contravention of section 9(11) or (12) above 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 be appropriated out of the proceeds of the lottery under those subsections if the said proceeds had amounted to the sum reasonably estimated.
- (4) It shall be a defence for any person charged with an offence in respect of a contravention of section 8 above or of section 9(6) or (8) above to prove that the date of a lottery was later than he had expected for reasons which he could not foresee.
- (5) A person guilty of an offence under this Act or regulations made under it shall be liable—
- (a) on summary conviction, to a fine not exceeding £400 ; or
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- (6) Where an offence under this Act or regulations made under it committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (7) In this section " contravention ", in relation to any requirement, includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly.

### *Amendments of Betting, Gaming and Lotteries Act 1963*

## **13 Increase in limits for certain small lotteries**

In section 45(3) of the Betting, Gaming and Lotteries Act 1963 (exemption of certain small lotteries conducted for charitable, sporting or other purposes)—

- (a) in paragraph (c), for " one hundred pounds " there shall be substituted " £1,000 ", and for " one shilling " there shall be substituted " 25p ";
- (b) in paragraph (e), for "ten per cent." there shall be substituted " 25 per cent. "; and
- (c) in paragraph (g) for " seven hundred and fifty pounds " there shall be substituted " £5,000 ".

#### **14 Increase in maximum prizes for certain lotteries and entertainments**

In section 43 of the Betting, Gaming and Lotteries Act 1963 (limit on sums which promoters of a small lottery may spend on purchasing prizes)—

- (a) in paragraph (iii) of subsection (2)(a) for " ten pounds " there shall be substituted " £50, or such greater sum as may be specified by an order under subsection (2A) below "; and
- (b) after that subsection there shall be inserted the following subsections:—

“(2A) The Secretary of State may by order substitute a greater sum than £50 for the sum mentioned in subsection (2)(a)(iii) above.

(2B) An order under subsection (2A) above shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(2C) The power to make an order under subsection (2A) above includes power to revoke the order by a subsequent order.”

#### **15 Alteration of penalties for offences under Part III of the Betting, Gaming and Lotteries Act 1963**

- (1) After section 52(1) of the Betting, Gaming and Lotteries Act 1963 (penalties and forfeitures) there shall be inserted the following subsection:—

“(1A) A person guilty of an offence under section 42, 43, 44, 47, 48 or 49 of this Act shall be liable—

- (a) on summary conviction, to a fine not exceeding £400; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both”.

- (2) The amendment made by subsection (1) above shall have effect only in relation to offences committed after the commencement of this Act.

#### *Supplementary*

#### **16 Interpretation**

- (1) In this Act, unless the context otherwise requires—

" Board " means the Gaming Board for Great Britain ;  
 " date ", in relation to a lottery, means the date on which the winners in that lottery are ascertained ;  
 " local authority " and " local lottery " have the meanings assigned to them by section 1(4) above ;



" society " and " society's lottery " have the meanings assigned to them by section 1(2) above ; and

" ticket ", in relation to any lottery or proposed lottery, includes any document evidencing the claim of a person to participate in the chances of the lottery.

- (2) In this Act, unless the context otherwise requires, a reference to the promotion of a lottery includes a reference to the conduct of that lottery, and " promote " shall be construed accordingly.

## **17 Financial provisions**

- (1) There shall be paid out of money provided by Parliament any expenses incurred by the Board in consequence of, or in connection with, the provisions of this Act.
- (2) Any fees received by the Board under this Act shall be paid into the Consolidated Fund.

## **18 Commencement of section 1**

The Secretary of State shall not make an order under section 20(6) below appointing a day for the coming into operation of section 1 above until he has made regulations under section 10 above which provide for their coming into operation on that day.

- (2) Regulations so providing shall not be made unless a draft of them has been approved by resolution of each House of Parliament.

## **19 Orders and regulations**

- (1) Any power to make an order or regulations under this Act shall be exercisable by statutory instrument subject, except in the case of an order under section 20(6) below or of regulations of which a draft has been approved by resolution of each House of Parliament, to annulment in pursuance of a resolution of either House of Parliament.
- (2) Any power conferred by this Act to make an order includes power to vary or revoke the order by a subsequent order.

## **20 Citation, repeals etc.**

- (1) This Act may be cited as the Lotteries Act 1975.
- (2) The enactments specified in Schedule 3 to this Act shall have effect subject to the amendments set out in that Schedule, being amendments consequential on the foregoing provisions of this Act and minor amendments.
- (3) Schedule 4 to this Act shall have effect for the purpose of facilitating the consolidation of the enactments relating to lotteries, and in particular for the purpose of removing anomalies and correcting errors in those enactments.
- (4) The enactments specified in Schedule 5 to this Act are hereby repealed to the extent mentioned in column 3 of that Schedule.
- (5) Section 13 of this Act shall cease to have effect on the day appointed for the coming into operation of Schedule 5 to this Act.

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- (6) This Act shall come into operation on such day as the Secretary of State may by order appoint, and different days may be appointed for different provisions and for different purposes.
- (7) Any reference in this Act to an enactment shall be construed as a reference to that enactment as amended, applied or extended by or under any other enactment, including this Act.
- (8) This Act shall not apply to Northern Ireland.

## SCHEDULES

### SCHEDULE 1

Section 6.

#### REGISTRATION OF SOCIETIES

##### PART I

##### REGISTRATION

- 1 (1) An application for the registration of a society for the purposes of section 1(1) of this Act shall be made to the registration authority.
- (2) In this Schedule, the expression "registration authority", in relation to any society, means the authority, being—
  - (a) in England, the London borough council, the district council, the Common Council of the City of London or the Council of the Isles of Scilly ; or
  - (b) in Wales, the district council; or
  - (c) in Scotland, the islands or district council,within whose area the office or head office of the society is situated.
- 2 Any such application shall specify the purposes for which the society is established and conducted.
- 3 Subject to the provisions of this Schedule, upon application being duly made on behalf of a society and upon payment of a fee of £10 the registration authority shall register the society in a register kept for the purposes of this Act and notify the society in writing that they have done so.
- 4 The registration authority may, after giving the society an opportunity of being heard, refuse or revoke the registration of the society under this Part of this Schedule if it appears to the authority—
  - (a) that any person has been convicted of an offence committed in connection with a lottery promoted or proposed to be promoted on behalf of that society being—
    - (i) an offence under this Act or regulations made under this Act; or
    - (ii) an offence under section 42 or section 45 of the Betting, Gaming and Lotteries Act 1963 ; or
    - (iii) an offence under paragraph 12 of Schedule 7 to that Act; or
    - (iv) an offence involving fraud or dishonesty ; or
  - (b) that the society does not satisfy or has ceased to satisfy the conditions specified in section 1(2) of this Act.
- 5 Where the registration of any society has been refused or revoked under the last foregoing paragraph by the registration authority in England or Wales, that authority shall forthwith notify the society of the refusal or revocation and the society may appeal to the Crown Court and such appeal shall be commenced by giving notice to the appropriate officer of the Crown Court and to the registration authority within

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twenty-one days of the day on which notice of the refusal or revocation is given to the society.

- 6 Where the registration of any society has been refused or revoked under paragraph 4 above by a registration authority in Scotland, that authority shall forthwith notify the society of the refusal or revocation, and the society may appeal, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by act of sederunt, to the sheriff having jurisdiction in the registration authority's area, and on any such appeal the decision of the sheriff shall be final and may include such order as to the expenses of the appeal as he thinks proper.
- 7 Where the registration authority revoke a registration under paragraph 4 above, then, until the time within which notice of appeal under paragraph 5 or 6 above may be given has expired and, if such notice is duly given, until the determination or abandonment of the appeal, the registration shall be deemed to continue in force, and if the Crown Court or, as the case may be, the sheriff confirms the decision of the registration authority, the court or the sheriff may, if it or he thinks fit, order that the registration shall continue in force for a further period not exceeding two months from the date of the order.
- 8 A society which is for the time being registered under this Part of this Schedule may at any time apply to the registration authority for the cancellation of the registration ; and in any such case the authority shall cancel the registration accordingly.
- 9 Every society which is registered under this Part of this Schedule shall pay to the registration authority on 1st January each year while it is so registered a fee of £5 and any such fee which remains unpaid after file date on which it becomes payable may be recovered by the authority as a debt.
- 10 Subject to the provisions of this Schedule, the registration of any society under Schedule 7 to the Betting, Gaming and Lotteries Act 1963 shall have effect as registration under this Schedule.

## PART II

### RETURNS

- 11 Subject to paragraph 12 below, the promoter of a society's lottery shall, not later than the end of the third month after the date of the lottery, send to the registration authority a return certified by two other members of the society, being persons of full age appointed in writing by the governing body of the society, showing—
- (a) a copy of the scheme under which the lottery was promoted ;
  - (b) the whole proceeds of the lottery;
  - (c) the sums appropriated out of those proceeds on account of expenses and on account of prizes respectively ;
  - (d) the particular purpose or purposes to which the proceeds of the lottery were applied in pursuance of section 2(3) of this Act, and the amount applied for that purpose, or for each of those purposes, as the case may be; and
  - (e) the date of the lottery.
- 12 Paragraph 11 above shall not apply to a society's lottery which is promoted in accordance with a scheme which is registered with the Board.
- 13 The registration authority shall preserve any return sent to them under paragraph 11 above for a period of at least eighteen months, and during that period shall keep

the return deposited at their office and permit any member of the public to inspect it during office hours free of charge.

- 14 Any person who fails to send a return in accordance with the provisions of this Part of this Schedule, or who knowingly or recklessly gives in any such return sent by him any information which is false in a material particular, or who certifies any such return knowing it to contain such information, shall be guilty of an offence.

## SCHEDULE 2

Section 7.

### REGISTRATION OF SCHEMES BY THE BOARD

- 1 A local authority shall submit to the Board any scheme approved by the authority under section 3(1)(a) of this Act.
- 2 A society shall submit to the Board any scheme approved by the society under section 2(1)(a) of this Act if the total value of tickets or chances to be sold in any lottery promoted in accordance with that scheme exceeds £5,000.
- 3 (1) The Board shall register a scheme submitted to them under this section unless—
- (a) in the case of a scheme submitted by a society, that society is not registered under Schedule 1 to this Act; or
  - (b) the scheme is contrary to law ; or
  - (c) except where the Secretary of State otherwise directs, the Board is not satisfied either—
    - (i) that all lotteries promoted by or on behalf of the applicant within the last five years have been properly conducted ; or
    - (ii) that all fees payable under this Act have been paid ; or
    - (iii) that all the requirements of the Board under paragraph 6 below have been complied with ; or
  - (d) except where the Secretary of State otherwise directs, it appears to the Board that an unsuitable person will be employed for reward in connection with the promotion of a lottery under the scheme.
- (2) In this paragraph and in paragraph 4 below "unsuitable person " means a person who has been convicted of—
- (a) an offence under this Act or regulations made under this Act; or
  - (b) an offence under section 42 or section 45 of the Betting, Gaming and Lotteries Act 1963 ; or
  - (c) an offence under paragraph 12 of Schedule 7 to that Act; or
  - (d) an offence involving fraud or dishonesty.
- 4 (1) The Board shall have power to revoke the registration of any scheme on any of the grounds (a), (b), (c) or (d) specified in paragraph 3(1) above.
- (2) The Board shall also have power to revoke the registration of any scheme where it appears to them that an unsuitable person has been employed for reward in connection with the promotion of any lottery under that scheme.
- (3) The revocation of the registration of any scheme under this paragraph shall not have effect in relation to any lottery in respect of which any tickets or chances have already been sold at the date of revocation.

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- 5 (1) The Secretary of State may direct the Board to restore any registration which, in pursuance of paragraph 4 above, the Board have revoked on any of the grounds specified in paragraph 3(1)(c) or (d) above or paragraph 4(2) above, and the Board shall give effect to any such direction.
- (2) The restoration of any registration under sub-paragraph (1) above shall have effect from the date of revocation or such later date as may be specified in the direction.
- 6 The Board shall have power to require the provision of accounts in relation to any lottery promoted under a scheme registered by them, and any other information which they may require in respect of any lottery promoted or to be promoted under a scheme registered by them or submitted to them for registration.
- 7 The following fees shall be payable to the Board—
- (a) a prescribed fee on an application for the registration of a scheme; and
  - (b) where more than one lottery is to be promoted under a scheme registered by the Board, a further prescribed fee for each lottery promoted under that scheme.
- 8 Any person who, in pursuance of a requirement under paragraph 6 above, knowingly or recklessly gives to the Board any information which is false in a material particular shall be guilty of an offence.

### SCHEDULE 3

Section 20.

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *The Betting, Gaming and Lotteries Act 1963*

- 1 In section 52(2) of the Betting, Gaming and Lotteries Act 1963 (penalties and forfeitures) for the word " subsection " there shall be substituted the word " subsections ".

##### *The Gaming Act 1968*

- 2 In section 52(3) of the Gaming Act 1968 (the playing of a game of chance which also constitutes a lawful lottery not to constitute gaming for the purposes of that Act), in paragraph (a) for the words from " section 45(1) " to the end there shall be substituted the words " section 2(1)(a) or 3(1)(a) of the Lotteries Act 1975 (promotion of society's lotteries and local lotteries in accordance with approved schemes), and ".

##### *The Betting and Gaming Duties Act 1972*

- 3 In section 6 of the Betting and Gaming Duties Act 1972 (pool betting duty)—
- (a) for paragraph (b) of subsection (3) there shall be substituted the following sub-paragraph:—
    - “(b) " bet" does not include the taking of a ticket or chance in any lottery referred to in subsection (4) below.”;
  - (b) after subsection (3) there shall be inserted the following subsection:—

*Status: This is the original version (as it was originally enacted).*

“(4) The lotteries referred to in paragraph (b) of subsection (3) above are—

- (a) any lottery which is declared by section 43, 44 or 46 of the Betting, Gaming and Lotteries Act 1963 not to be unlawful; or
- (b) any society's lottery or local lottery within the meaning of the Lotteries Act 1975 in which the monetary limits referred to in the following provisions of that Act namely—
  - (i) subsections (2), (5), (6) and (8) of section 9, and
  - (ii) section 2(2)(a), in the case of a society's lottery promoted in accordance with a scheme which is not registered in pursuance of section 2(2)(b) (registration with Gaming Board for Great Britain),

are not exceeded, disregarding for the purposes of this section any variation of those limits made by order under section 11 of that Act.”

#### SCHEDULE 4

Section 20.

#### CONSOLIDATION AMENDMENTS

##### *The Betting, Gaming and Lotteries Act 1963*

1 For subsection (2)(d) of section 43 of the Betting, Gaming and Lotteries Act 1963 (exemption of small lotteries incidental to certain entertainments) there shall be substituted the following paragraph:—

“(d) the facilities for participating in lotteries under this section, or those facilities together with any other facilities for participating in lotteries or gaming, shall not be the only, or the only substantial, inducement to persons to attend the entertainment.”

2 For section 48 of that Act (provision of amusements with prizes at certain non-commercial entertainments) there shall be substituted the following section:—

##### **“48 Provision of amusements with prizes at certain non-commercial entertainments.**

(1) This section applies to the provision, at any entertainment to which section 43 of this Act applies, of any amusement with prizes which constitutes a lottery or gaming or both but does not constitute—

- (a) gaming to which Part II of the Gaming Act 1968 applies, or
- (b) gaming by means of a machine to which Part III of that Act applies.

(2) Where any such amusement constitutes a lottery, nothing in section 41 or section 42 of this Act shall apply to it.

(3) In relation to any such amusement (whether it constitutes a lottery or not) the conditions set out in subsection (4) of this section shall be observed, and

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*Status: This is the original version (as it was originally enacted).*

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if either of those conditions is contravened every person concerned in the provision or conduct of that amusement shall be guilty of an offence unless he proves that the contravention occurred 'without his consent or connivance and that he exercised all due diligence to prevent it.

- (4) The conditions referred to in the last foregoing subsection are—
- (a) that the whole proceeds of the entertainment, after deducting the expenses of the entertainment, shall be devoted to purposes other than private gain ; and
  - (b) that the facilities for winning prizes at amusements to which this section applies, or those facilities together with any other facilities for participating in lotteries or gaming, shall not be the only, or the only substantial, inducement to persons to attend the entertainment.”

3 Sections 51 (search warrants) and 52(4) (forfeiture) of that Act shall have effect in relation to offences under this Act.

*The Local Government Act 1966*

4 In Part II of Schedule 3 to the Local Government Act 1966 (fees for licences, registration etc. that may be varied by an order under section 35(2) of the Act) in paragraph 23 (which relates to the Betting, Gaming and Lotteries Act 1963) for the words " paragraph 4 " there shall be substituted the words " paragraph 16 ".

*The Local Government (Scotland) Act 1966*

5 In Part II of Schedule 4 to the Local Government (Scotland) Act 1966 (fees for licences, registration etc. that may be varied by an order under section 42 of that Act) in paragraph 26 (which relates to the Betting, Gaming and Lotteries Act 1963) for the words " paragraph 4 " there shall be substituted the words " paragraph 16 ".

*The Gaming Act 1968*

6 (1) For subsections (2) to (4) of section 33 of the Gaming Act 1968 (use of machines at non-commercial entertainments) there shall be substituted the following subsections:

—

“(2) Where a machine to which this Part of this Act applies is used for gaming as an incident of any such entertainment, the whole proceeds of the entertainment, after deducting the expenses of the entertainment, shall be devoted to purposes other than private gain.

(2A) Where a machine to which this Part of this Act applies is used for gaming as an incident of an entertainment to which this section applies, the opportunity to win prizes by means of the machine, or that opportunity together with any other facilities for participating in lotteries or gaming shall not be the only, or the only substantial, inducement to persons to attend the entertainment.”

(2) In subsection (5) of that section, for the words " to (4) " there shall be substituted the words " and (2A) ".



*Status: This is the original version (as it was originally enacted).*

SCHEDULE 5

Section 20.

REPEALS

Chapter	Short Title	Extent of Repeal
1963 c. 2.	The Betting, Gaming and Lotteries Act 1963.	In section 42(2)(a), the word " 45". Section 45. In section 52(1) the words " 42, 43, 44, 45 and 47". Schedule 7.
1966 c. 42.	The Local Government Act 1966.	In Schedule 3, in paragraph 23 of Part II, the words " and paragraphs 3 and 9 of Schedule 7 ".
1966 c. 51.	The Local Government (Scotland) Act 1966.	In Schedule 4, in paragraph 26 of Part II, the words " and paragraphs 3 and 9 of Schedule 7 ".
1968 c. 65.	The Gaming Act 1968.	In Part I of Schedule 11, the entry relating to section 48 of the Betting, Gaming and Lotteries Act 1963