



Gambling Act 2005

2005 CHAPTER 19

PART 1

INTERPRETATION OF KEY CONCEPTS

Lottery

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- (1) For the purposes of this Act an arrangement is a lottery, irrespective of how it is described, if it satisfies one of the descriptions of lottery in subsections (2) and (3).
- (2) An arrangement is a simple lottery if—
 - (a) persons are required to pay in order to participate in the arrangement,
 - (b) in the course of the arrangement one or more prizes are allocated to one or more members of a class, and
 - (c) the prizes are allocated by a process which relies wholly on chance.
- (3) An arrangement is a complex lottery if—
 - (a) persons are required to pay in order to participate in the arrangement,
 - (b) in the course of the arrangement one or more prizes are allocated to one or more members of a class,
 - (c) the prizes are allocated by a series of processes, and
 - (d) the first of those processes relies wholly on chance.
- (4) In this Act “prize” in relation to lotteries includes any money, articles or services—
 - (a) whether or not described as a prize, and
 - (b) whether or not consisting wholly or partly of money paid, or articles or services provided, by the members of the class among whom the prize is allocated.
- (5) A process which requires persons to exercise skill or judgment or to display knowledge shall be treated for the purposes of this section as relying wholly on chance if—

Status: This is the original version (as it was originally enacted).

- (a) the requirement cannot reasonably be expected to prevent a significant proportion of persons who participate in the arrangement of which the process forms part from receiving a prize, and
 - (b) the requirement cannot reasonably be expected to prevent a significant proportion of persons who wish to participate in that arrangement from doing so.
- (6) Schedule 2 makes further provision about when an arrangement is to be or not to be treated for the purposes of this section as requiring persons to pay.
- (7) The Secretary of State may by regulations provide that an arrangement of a specified kind is to be or not to be treated as a lottery for the purposes of this Act; and—
 - (a) the power in this subsection is not constrained by subsections (1) to (6) or Schedule 2, and
 - (b) regulations under this subsection may amend other provisions of this section or Schedule 2.