



Gambling Act 2005

2005 CHAPTER 19

PART 1

INTERPRETATION OF KEY CONCEPTS

Lottery

14 Lottery

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Status: This is the original version (as it was originally enacted).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

15 National Lottery

- (1) Participating in a lottery which forms part of the National Lottery is not gambling for the purposes of this Act (despite section 3(c) but subject to subsections (2) and (3) below).
- (2) Participating in a lottery which forms part of the National Lottery is gambling for the purposes of—
- (a) section 42, and
 - (b) section 335.
- (3) Where participating in a lottery which forms part of the National Lottery would also constitute gaming within the meaning of section 6, it shall be treated as gaming for the purposes of this Act if and only if a person participating in the lottery is required to participate in, or to be successful in, more than three processes before becoming entitled to a prize.
- (4) Participating in a lottery which forms part of the National Lottery shall not be treated as betting for the purposes of this Act where it would—
- (a) satisfy the definition of pool betting in section 12, or
 - (b) satisfy the definition of betting in section 9 by virtue of section 11.
- (5) Schedule 3 shall have effect.