



Gambling Act 2005

2005 CHAPTER 19

PART 5

OPERATING LICENCES

Rules for particular kinds of licence

99 Mandatory conditions of lottery operating licence

- (1) In issuing a lottery operating licence to a non-commercial society or to a local authority the Commission shall attach conditions under section 75 or 77 for the purpose of achieving the requirements specified in this section.
- (2) The first requirement is that at least 20% of the proceeds of any lottery promoted in reliance on the licence are applied—
 - (a) in the case of a licence issued to a non-commercial society, to a purpose for which the promoting society is conducted, and
 - (b) in the case of a licence issued to a local authority, for a purpose for which the authority has power to incur expenditure.
- (3) The second requirement is that—
 - (a) the proceeds of any lottery promoted in reliance on the licence may not exceed £2,000,000, and
 - (b) the aggregate of the proceeds of lotteries promoted wholly or partly in a calendar year in reliance on the licence may not exceed £10,000,000.
- (4) The third requirement is that it must not be possible for the purchaser of a ticket in a lottery promoted in reliance on the licence to win by virtue of that ticket (whether in money, money's worth, or partly the one and partly the other) more than—
 - (a) £25,000, or
 - (b) if more, 10% of the proceeds of the lottery;and any rollover must comply with this subsection.

Status: This is the original version (as it was originally enacted).

- (5) The fourth requirement is that where a person purchases a lottery ticket in a lottery promoted by a non-commercial society in reliance on the licence he receives a document which—
- (a) identifies the promoting society,
 - (b) states the name and address of a member of the society who is designated, by persons acting on behalf of the society, as having responsibility within the society for the promotion of the lottery, and
 - (c) either—
 - (i) states the date of the draw (or each draw) in the lottery, or
 - (ii) enables the date of the draw (or each draw) in the lottery to be determined.
- (6) The fifth requirement is that the price payable for purchasing each ticket in a lottery promoted in reliance on the licence—
- (a) must be the same,
 - (b) must be shown on the ticket or in a document received by the purchaser, and
 - (c) must be paid to the promoter of the lottery before any person is given a ticket or any right in respect of membership of the class among whom prizes are to be allocated.
- (7) For the purpose of subsections (5) and (6) a reference to a person receiving a document includes, in particular, a reference to a message being sent or displayed to him electronically in a manner which enables him, without incurring significant expense or delay, to—
- (a) retain the message electronically, or
 - (b) print it.
- (8) The sixth requirement is that membership of the class among whom prizes in any lottery promoted in reliance on the licence are allocated may not be dependent on making any payment (apart from payment of the price of a ticket).
- (9) Where—
- (a) conditions are attached to a lottery operating licence in accordance with this section, and
 - (b) the lottery operating licence is also subject to a condition under section 98(3) (a) requiring arrangements for the lottery to be made by the holder of a lottery manager's operating licence,
- the conditions specified in paragraph (a) above shall, by virtue of this subsection, attach to the lottery manager's operating licence in so far as it is relied upon in pursuance of the condition specified in paragraph (b) above.
- (10) Nothing in this section prevents the Commission from attaching a condition to a lottery operating licence of a kind similar to but more onerous than a requirement of this section.
- (11) The Secretary of State may by order vary a monetary amount or a percentage in this section.