



# Lotteries and Amusements Act 1976

## 1976 CHAPTER 32

### PART II

#### PROVISIONS RELATING TO SOCIETIES' LOTTERIES AND LOCAL LOTTERIES

##### *Provisions relating to local lotteries*

#### **7 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

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- (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.

## **8 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.

### *Provisions relating to societies' lotteries and local lotteries*

## **9 Schemes for societies' lotteries and local lotteries**

Schedule 2 to this Act shall have effect.

## **10 Frequency of lotteries**

- (1) No society or local authority shall hold more than 52 lotteries under section 5 or 6 above in any period of 12 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 less than seven days 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.

## **11 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 5(3)(d)(i) 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 5(3)(d)(i) 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 satisfies the condition specified in section 5(3)(d)(i) 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.

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- (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 specified in subsection (13) below applies.
- (13) The amounts referred to in subsection (12)(b) 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 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.

## 12 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 society's lottery ; and
  - (b) any scheme approved by a local authority for the promotion of a local 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.

### **13 Offences relating to societies' lotteries and local lotteries**

- (1) If any requirement of this Act or of any regulations made under it 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 such 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 11(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 have been appropriated out of the proceeds of the lottery under the said subsections if the 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 10 above or of section 11(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.