



# Lotteries and Amusements Act 1976

## 1976 CHAPTER 32

### PART IV

#### SUPPLEMENTARY

#### **18 Powers of Secretary of State as to monetary limits, fees etc.**

- (1) The Secretary of State may by order—
- (a) vary the figure of £5,000 in section 5(3)(d)(i) above and in paragraph 2 of Schedule 2 below ;
  - (b) vary any monetary limit in section 10(1) or 11 above ;
  - (c) direct that any provision of section 16 above which is specified in the order and which specifies a sum shall have effect as if for that sum there were substituted such other sum as may be specified in the order ;
  - (d) vary the fee payable under paragraph 3 or 9 of Schedule 1 below;
  - (e) prescribe the fees to be payable under paragraph 7 of Schedule 2 below ; and
  - (f) vary the fee payable under paragraph 18 of Schedule 3 below, or provide that it shall cease to be payable.
- (2) An order made by virtue of subsection (1)(e) 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.

#### **19 Search warrants**

If—

- (a) in England or Wales, a justice of the peace, or
- (b) in Scotland, a justice of the peace or sheriff,

is satisfied on information on oath that there is reasonable ground for suspecting that an offence under this Act is being, has been or is about to be committed on any premises, he may issue a warrant in writing authorising any constable to enter those premises, if necessary by force, at any time within 14 days from the time of the issue of the warrant

and search them; and any constable who enters the premises under the authority of the warrant may—

- (a) seize and remove any document, money or valuable thing, instrument or other thing whatsoever found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of any such offence, and
- (b) arrest and search any person found on the premises whom he has reasonable cause to believe to be committing or to have committed any such offence.

## **20 Penalties and forfeitures**

- (1) A person guilty of an offence under 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 court by or before which a person is convicted of any offence under this Act may order anything produced to the court and shown to the satisfaction of the court to relate to the offence to be forfeited and either destroyed or dealt with in such other manner as the court may order.

## **21 Offences by bodies corporate**

- (1) Where an offence under this Act 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 be liable to be proceeded against and punished accordingly.
- (2) In subsection (1) above, except as it applies for the purposes of section 13 above, "director", in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

## **22 Meaning of "private gain" in relation to proceeds of entertainments, lotteries and gaming promoted on behalf of certain societies**

- (1) For the purposes of this Act proceeds of any entertainment, lottery or gaming promoted on behalf of a society to which this subsection extends which are applied for any purpose calculated to benefit the society as a whole shall not be held to be applied for purposes of private gain by reason only that their application for that purpose results in benefit to any person as an individual.
- (2) Subsection (1) above extends to any society which is established and conducted either—
  - (a) wholly for purposes other than purposes of any commercial undertaking; or
  - (b) wholly or mainly for the purpose of participation in or support of athletic sports or athletic games.

## 23 Interpretation

(1) In this Act, except where the context otherwise requires—

" the Board " means the Gaming Board for Great Britain ;

" contravention ", in relation to any requirement, includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly;

" date ", in relation to a lottery, means the date on which the winners in that lottery are ascertained ;

" distribute ", in relation to documents or other matters, includes distribution to persons or places within or outside Great Britain, and " distribution " shall be construed accordingly;

" exempt entertainment " has the meaning assigned to it by section 3(1) above ;

" gaming " has the same meaning as in the Gaming Act 1968;

" 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 Stilly 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;

" local lottery " has the meaning assigned to it by section 6(1) above;

" money " includes a cheque, banknote, postal order or money order;

" newspaper " includes any journal, magazine or other periodical publication;

" premises " includes any place ;

" printing " includes writing and other modes of reproducing words in a visible form ;

"private lottery " has the meaning assigned to it by section 4(1) above;

" society " includes any 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;

" society's lottery " has the meaning assigned to it by section 5(1) above;

" ticket ", in relation to any 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 society's lottery or a local lottery includes a reference to the conduct of that lottery, and " promote " shall be construed accordingly.

## 24 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 25(7) below, 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.

**25 Citation, etc.**

- (1) This Act may be cited as the Lotteries and Amusements Act 1976.
- (2) The amendments specified in Schedule 4 to this Act shall have effect.
- (3) The enactments specified in Schedule 5 to this Act are repealed to the extent specified in column 3 of that Schedule.
- (4) In so far as any instrument made or any other thing whatsoever done under any enactment repealed by this Act could have been made or done under\* a corresponding enactment in this Act, it shall not be invalidated by the repeal of that enactment but shall have effect as if made or done under that corresponding enactment; and for the purposes of this provision anything which under section 57(3) of the Betting, Gaming and Lotteries Act 1963 had effect as if done under any enactment in that Act shall, so far as may be necessary for the continuity of the law, be treated as done under the corresponding enactment in this Act.
- (5) Any enactment or other document referring to an enactment repealed by this Act or by the Betting, Gaming and Lotteries Act 1963 shall, so far as may be necessary for preserving its effect, be construed as referring, or as including a reference, to the corresponding enactment in this Act.
- (6) Nothing in this Act shall affect the operation of the Art Unions Act 1846, and a lottery promoted and conducted in accordance with that Act shall not be unlawful.
- (7) Where any provision contained in any local Act passed before the Betting and Gaming Act 1960 appears to the Secretary of State to have been superseded by, or to be inconsistent with, section 15 or 16 above, the Secretary of State may by order, a draft of which shall be laid before Parliament, specify that provision for the purposes of this subsection; and, without prejudice to the operation of any rule of law relating to the effect on any such provision of the relevant enactment in the said Act of 1960, any provision so specified is hereby repealed as from the date of the making of the order.
- (8) Section 254(2)(c) of the Local Government Act 1972 (power of Secretary of State to amend, etc., enactments by order) shall apply to this Act as if it had been passed before 1st April 1974.
- (9) This Act shall come into force immediately after the coming into force of the Lotteries Act 1975, or, if the provisions of that Act come into force on different dates, immediately after the coming into force of the last of them ; but
  - (a) nothing in this subsection shall be taken as prejudicing the exercise, by virtue of section 37 of the Interpretation Act 1889 (exercise of statutory powers between passing and commencing of Act) of any powers under the Lotteries Act 1975 or this Act in respect of the registration of schemes for societies' lotteries or local lotteries ; and
  - (b) nothing in this Act shall be taken as prejudicing the operation of section 38 of that Act (which relates to the effect of repeals).
- (10) This Act does not extend to Northern Ireland.