



# National Lottery etc. Act 1993

## 1993 CHAPTER 39

### PART III

#### MISCELLANEOUS AMENDMENTS RELATING TO LOTTERIES

##### *Preliminary*

#### **45 Interpretation of Part III**

In this Part “the 1976 Act” means the Lotteries and Amusements Act 1976.

##### *Importation and exportation restrictions*

#### **46 Importation and exportation restrictions**

- (1) In section 1 of the Revenue Act 1898 (prohibition on the importation of advertisements and notices relating to lotteries) as it applies in the United Kingdom, after “importation” there shall be inserted “from a place outside the British Islands and the member States”.
- (2) That section so far as it applies in the British Islands outside the United Kingdom shall cease to have effect.
- (3) In section 2(1) of the 1976 Act (general lottery offences)—
  - (a) in paragraph (d) (bringing or sending lottery tickets or advertisements into Great Britain) after “Great Britain” there shall be inserted “from a place outside the British Islands and the member States”, and
  - (b) in paragraph (e) (sending lottery proceeds etc. out of Great Britain) after “Great Britain” there shall be inserted “to a place outside the British Islands and the member States”.
- (4) In Article 132(1) of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (general lottery offences)—

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- (a) in paragraph (d) (bringing or sending lottery tickets or advertisements into Northern Ireland) after “Northern Ireland” there shall be inserted “from a place outside the British Islands and the member States”, and
- (b) in paragraph (f) (sending lottery proceeds etc. out of Northern Ireland) after “Northern Ireland” there shall be inserted “to a place outside the British Islands and the member States”.

*Private lotteries*

**47 Private lotteries**

For section 4(1) of the 1976 Act (private lotteries) there shall be substituted—

“(1) In this Act “private lottery” means a lottery in Great Britain which is promoted—

- (a) for members of one society established and conducted for purposes not connected with gaming, betting or lotteries;
- (b) for persons all of whom work on the same premises; or
- (c) for persons all of whom reside on the same premises,

and which satisfies the conditions in subsections (1A) and (1B) below.

(1A) The lottery must be promoted by persons each of whom—

- (a) is one of the persons for whom the lottery is promoted; and
- (b) in the case of a lottery promoted for the members of a society, is authorised in writing by the governing body of the society to promote the lottery.

(1B) The sale of tickets or chances in the lottery must be confined—

- (a) to the persons for whom the lottery is promoted; and
- (b) in the case of a lottery promoted for the members of a society, to any other persons on the society’s premises.”

*Societies' lotteries and local lotteries*

**48 Registration of societies**

(1) Section 5 of the 1976 Act (societies' lotteries) shall be amended as follows.

(2) In subsection (3) (conditions that must be satisfied for a lottery not to be unlawful) in paragraph (b) (society to be registered under Schedule 1 to that Act) for “Schedule 1 to this Act” there shall be substituted “the appropriate Schedule”.

(3) After subsection (3) there shall be inserted—

“(3A) The appropriate Schedule for the purposes of subsection (3)(b) above—

- (a) is Schedule 1 to this Act if none of subsections (3B) to (3D) below applies to the lottery;
- (b) is Schedule 1A to this Act if any of those subsections applies to the lottery.

(3B) This subsection applies to a lottery if the total value of the tickets or chances sold or to be sold in the lottery is more than £20,000.

- (3C) This subsection applies to a lottery if the total value of—
- (a) the tickets or chances sold or to be sold in the lottery, and
  - (b) the tickets or chances sold or to be sold in all earlier lotteries held by the same society in the same year,
- is more than £250,000.
- (3D) This subsection applies to a lottery if subsection (3B) or (3C) above applied to any earlier lottery held by the same society in the same year or any of the three preceding years.
- (3E) For the purposes of this section—
- (a) a lottery is earlier than another lottery if any tickets or chances in it are sold, distributed or offered for sale before any tickets or chances in the other lottery are sold, distributed or offered for sale, and
  - (b) a lottery is held in the year in which the date of the lottery falls.
- (3F) In this section “year” means a period of twelve months beginning with 1st January.”
- (4) In subsection (5) (which introduces Schedule 1 to the 1976 Act) for “Schedule 1” there shall be substituted “Schedules 1 and 1A”.
- (5) Schedule 1 to the 1976 Act (registration of societies) shall have effect with the amendments set out in Part I of Schedule 7 to this Act.
- (6) After Schedule 1 to the 1976 Act there shall be inserted the Schedule set out in Part II of Schedule 7 to this Act.

#### **49 Registration of lottery schemes**

- (1) In section 5(3) of the 1976 Act (conditions that must be satisfied for a society’s lottery not to be unlawful) paragraph (d) (lottery scheme to be registered with the Gaming Board if the total value of tickets or chances to be sold in the lottery is more than £10,000) and the word “and” immediately preceding it shall be omitted.
- (2) At the end of section 6 of the 1976 Act (local lotteries) there shall be added—
- “(4) Schedule 2 to this Act shall have effect.”
- (3) Section 9 of the 1976 Act (schemes for societies’ lotteries and local lotteries) shall cease to have effect.
- (4) Schedule 2 to the 1976 Act (registration of schemes) shall have effect with the amendments set out in Schedule 8 to this Act.

#### **50 Lottery managers**

- (1) Immediately before section 10 of the 1976 Act there shall be inserted—

##### **“9A Lottery managers**

- (1) No person shall manage a society’s lottery or a local lottery unless that person is—

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- (a) a member of the society on whose behalf or of the local authority by whom the lottery is promoted, acting in his capacity as such,
  - (b) an employee of that society or authority acting in the course of his employment,
  - (c) in the case of a society's lottery, a company that is wholly owned by the society,
  - (d) a person certified as a lottery manager under Schedule 2A to this Act, or
  - (e) an employee of a person so certified acting in the course of his employment.
- (2) In subsection (1) above “employee”, in relation to an unincorporated body, includes an employee of a member of the body employed by him in his capacity as a member.
- (3) For the purposes of subsection (1)(c) above—
- (a) “company” means a company formed and registered under the Companies Act 1985 or a company to which the provisions of that Act apply as they apply to a company so formed and registered, and
  - (b) a company is wholly owned by a society if the society is entitled (whether directly or through one or more nominees) to exercise, or control the exercise of, the whole of the voting power at any general meeting of the company.
- (4) In subsection (1) above and Schedule 2A to this Act references to managing a lottery are to managing the promotion, or any part of the promotion, of a lottery.
- (5) Schedule 2A to this Act shall have effect.”
- (2) After Schedule 2 to the 1976 Act there shall be inserted the Schedule set out in Schedule 9 to this Act.

## **51 Frequency of lotteries**

For section 10 of the 1976 Act there shall be substituted—

### **“10 Frequency of lotteries**

- (1) The Secretary of State may by order prescribe—
- (a) the maximum number of lotteries that may be promoted under section 5 or 6 above in any period of twelve months on behalf of the same society or by the same local authority; and
  - (b) the minimum number of days that must elapse between the dates of any two lotteries promoted under section 5 or 6 above on behalf of the same society or by the same local authority.
- (2) An order under subsection (1) above may make different provision for different cases or circumstances.”

## **52 Rules for lotteries**

- (1) Section 11 of the 1976 Act (rules for authorised lotteries) shall be amended as follows.

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- (2) In subsection (1)(b) (information to be given in the case of a society's lottery on every ticket and every notice or advertisement of the lottery) for the words from "and every notice" to "published" there shall be substituted "distributed or sold".
- (3) In subsection (3) (the price of every ticket or chance in a lottery to be the same and to be stated on any ticket) after "any ticket" there shall be inserted "distributed or sold".
- (4) After subsection (4) there shall be inserted—
  - "(4A) No payment other than the price of a ticket or chance shall be required of a person as a condition of his admission to participate in a society's lottery or a local lottery."
- (5) For subsections (5) to (10) there shall be substituted—
  - (5) No prize in a society's lottery or a local lottery shall exceed in amount or value £25,000 or 10 per cent. of the total value of the tickets or chances sold in the lottery (whichever is greater).
  - (6) The total value of the tickets or chances sold in any one such lottery shall not exceed £1,000,000.
  - (7) The total value of the tickets or chances sold in all such lotteries held in any one year and promoted on behalf of the same society or by the same local authority shall not exceed £5,000,000.
  - (8) For the purposes of subsection (7) above, a lottery is held in the year in which the date of the lottery falls.
  - (9) In this section "year" means a period of twelve months beginning with 1st January; but if subsection (7) above (as substituted by section 52 of the National Lottery etc. Act 1993) comes into force on a date other than 1st January—
    - (a) the period beginning with that date and ending with the next 31st December shall be taken to be the first year for the purposes of that subsection, and
    - (b) in relation to that period, the reference to £5,000,000 in that subsection shall be read as a reference to a proportionately smaller amount."
- (6) In subsection (11) (not more than half of a lottery's proceeds may be appropriated for the provision of prizes) for "one half" there shall be substituted "50 per cent."
- (7) In subsection (13) (which specifies, in relation to the amount of a lottery's proceeds that may be appropriated on account of expenses, limits that differ according to whether or not the proceeds exceed £10,000)—
  - (a) for "£10,000", in both places, there shall be substituted "£20,000", and
  - (b) for "25 per cent.", in both places, there shall be substituted "30 per cent."
- (8) After subsection (13) there shall be added—
  - "(14) For the purposes of subsection (12) above, the amount of any expenses that are met—
    - (a) by the society on whose behalf, or the local authority by whom, the lottery is promoted, or

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(b) by any beneficiary of the lottery,  
shall be treated as having been appropriated on account of expenses from the proceeds of the lottery.

(15) In subsection (14) above “beneficiary of the lottery” means a person (other than the society on whose behalf, or the local authority by whom, the lottery is promoted) to whom or for whose benefit any of the proceeds of the lottery, other than amounts appropriated in respect of expenses or prizes, are lawfully paid or applied.

(16) The amount of the proceeds of a society’s lottery or a local lottery appropriated for the provision of prizes and the amount of those proceeds appropriated on account of expenses (exclusive of prizes) shall not exceed in aggregate a prescribed percentage of the whole proceeds of the lottery.”

### **53 Offences**

(1) Section 13 of the 1976 Act (offences relating to societies' lotteries and local lotteries) shall be amended as follows.

(2) In subsection (1) (contravention of requirement of Act or of regulations made under it) for “or of any regulations made under it” there shall be substituted “, of any regulations made under it or of any order made under section 10 above”.

(3) After subsection (2) there shall be inserted—

“(2A) It shall be a defence for a person charged with an offence in respect of a contravention of section 11(5) above to prove—

- (a) that the total value of the tickets or chances sold in the lottery fell short of the sum reasonably estimated; and
- (b) that the amount or value of the prize in question would not have contravened section 11(5) above if the total value of the tickets or chances sold had amounted to the sum reasonably estimated; and
- (c) that, if the amount or value of the prize had been any less, an unconditional undertaking as to prizes given in connection with the sale of tickets or chances would have been broken.”

(4) In subsection (4) (defence in respect of contravention of section 10 etc.) after “contravention of” there shall be inserted “an order made under”.

### **54 Powers of the Secretary of State to vary monetary limits and to prescribe or vary fees**

(1) Section 18 of the 1976 Act (powers of the Secretary of State as to monetary limits, fees etc.) shall be amended as follows.

(2) For subsection (1)(a) there shall be substituted—

“(a) vary the sum specified in section 5(3B) or (3C) above;”.

(3) For subsection (1)(b) there shall be substituted—

“(b) vary any sum or percentage specified in section 11 above or prescribe the percentage referred to in subsection (16) of that section;”.

- (4) In subsection (1)(e) for “under paragraph 7 of Schedule 2 below” there shall be substituted “, or provide that no fees are to be payable, under paragraph 2, 6 or 10 of Schedule 1A below or paragraph 6A or 7 of Schedule 2 below”.
- (5) In subsection (1) the word “and” at the end of paragraph (e) shall be omitted and after that paragraph there shall be inserted—
- “(ee) vary the sum specified in paragraph 13(1) of Schedule 1A below or paragraph 6D(1) of Schedule 2 below;
  - (eee) vary the fee payable under paragraph 1 of Schedule 2A below; and”.
- (6) In subsection (2) for “subsection (1)(e) above” there shall be substituted “subsection (1) above may make different provision for different cases or circumstances and an order made by virtue of paragraph (e) of that subsection”.

## **55 Interpretation of the 1976 Act**

In section 23(1) of the 1976 Act (interpretation) the following definitions shall be inserted in the appropriate places in alphabetical order—

““employee” and “employment” have the meanings given by section 153(1) of the Employment Protection (Consolidation) Act 1978”;

““registration authority” has the meaning given by paragraph 1 of Schedule 1 below”.