



Gambling Act 2005

2005 CHAPTER 19

PART 11

LOTTERIES

Offences

258 Promotion of lottery

- (1) A person commits an offence if he promotes a lottery unless—
 - (a) the exception in subsection (2) or (3) applies, or
 - (b) the lottery is an exempt lottery.
- (2) This section does not apply to activity by a person if—
 - (a) he holds an operating licence authorising the activity, and
 - (b) he acts in accordance with the terms and conditions of the licence.
- (3) This section does not apply to activity by a person if—
 - (a) he acts, otherwise than as an external lottery manager, on behalf of a person who holds an operating licence authorising the activity, and
 - (b) the activity is carried on in accordance with the terms and conditions of the licence.
- (4) It is a defence for a person charged with an offence under this section to show that he reasonably believed that—
 - (a) he was not committing the offence by reason of subsection (1)(b), (2) or (3),
 - (b) that the arrangement to which the charge relates was not a lottery, or
 - (c) that the arrangement to which the charge relates was a lottery forming part of the National Lottery.
- (5) In this Act “exempt lottery” means a lottery which is exempt by virtue of a provision of Schedule 11.

Status: This is the original version (as it was originally enacted).

259 Facilitating a lottery

- (1) A person commits an offence if he facilitates a lottery unless—
 - (a) the exception in subsection (3) applies, or
 - (b) the lottery is an exempt lottery.
- (2) For the purposes of this section a person facilitates a lottery if (and only if) he—
 - (a) prints lottery tickets for a specified lottery,
 - (b) prints promotional material for a specified lottery, or
 - (c) advertises a specified lottery.
- (3) This section does not apply to activity by a person if he acts in accordance with the terms and conditions of an operating licence.
- (4) It is a defence for a person charged with an offence under this section to show that he reasonably believed—
 - (a) that he was not committing the offence by reason of subsection (1)(b) or (3), or
 - (b) that the arrangement to which the charge relates was not a lottery, or
 - (c) that the arrangement to which the charge relates was a lottery forming part of the National Lottery.
- (5) In subsection (2)(b) “promotional material” means a document which—
 - (a) advertises a specified lottery,
 - (b) invites participation in a specified lottery,
 - (c) contains information about how to participate in a specified lottery, or
 - (d) lists winners in a specified lottery.

260 Misusing profits of lottery

- (1) This section applies to a lottery in respect of which the promoter has stated (in whatever terms) a fund-raising purpose for the promotion of the lottery.
- (2) A person commits an offence if he uses any part of the profits of a lottery to which this section applies for a purpose other than that stated.
- (3) The reference in subsection (2) to using profits includes a reference to permitting profits to be used.
- (4) In subsection (1) the reference to a statement of a purpose for the promotion of a lottery is a reference to a statement appearing—
 - (a) on lottery tickets, or
 - (b) in an advertisement for the lottery.
- (5) In subsection (4)(b) “advertisement” in relation to a lottery includes any written notice announcing that a lottery will take place or inviting people to participate in a lottery (in either case whether or not it also gives other information).

261 Misusing profits of exempt lottery

- (1) This section applies to the following kinds of lottery—
 - (a) an incidental non-commercial lottery (within the meaning of Part 1 of Schedule 11),
 - (b) a private society lottery (within the meaning of Part 2 of that Schedule), and

- (c) a small society lottery (within the meaning of Part 4 of that Schedule).
- (2) A person commits an offence if he uses any part of the profits of a lottery to which this section applies for a purpose other than one for which the lottery is permitted to be promoted in accordance with Schedule 11.
- (3) Subsection (3) of section 260 shall have effect for the purpose of this section as it has effect for the purpose of that section.

262 Small society lottery: breach of condition

A non-commercial society commits an offence if—

- (a) a lottery, purporting to be an exempt lottery under Part 4 of Schedule 11, is promoted on the society's behalf wholly or partly at a time when the society is not registered with a local authority in accordance with Part 5 of that Schedule,
- (b) the society fails to comply with the requirements of paragraph 39 of that Schedule, or
- (c) the society provides false or misleading information for the purposes of paragraph 39 of that Schedule.

263 Penalty

- (1) A person guilty of an offence under this Part shall be liable on summary conviction to—
 - (a) imprisonment for a term not exceeding 51 weeks,
 - (b) a fine not exceeding level 5 on the standard scale, or
 - (c) both.
- (2) In the application of subsection (1) to Scotland the reference to 51 weeks shall have effect as a reference to six months.