

These notes refer to the Betting, Gaming, Lotteries and Amusements (Amendment) Act (Northern Ireland) 2022 (c.14) which received Royal Assent on 26 April 2022

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EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedules to the Act [Schedule 15A](#)

Lotteries and Competitions: Requirements to Pay in Order to Participate

Schedule 15A makes provision about the circumstances in which a prize competition arrangement is to be or not to be treated as requiring persons to pay in order to participate for the purposes of new Articles 131(2) and 168(2A).

Schedule 15A specifies that references to paying in order to participate in new Articles 131(2) and 168(2A) exclude “normal rate” expenses of sending a letter by ordinary post, making a telephone call or using any other method of communication to participate in the arrangement (such as a text). The normal purchase costs of paying for goods (e.g. newspaper, chocolate bar, equipment, property etc.) or services (e.g. hospitality or financial services such as having a specific type of bank or building society account etc.) are also excluded from the meaning of payment under new Articles 131(2) and 168(2A).

Under Schedule 15A an arrangement is also not included within the meaning of payment to participate in new Articles 131(2) and 168(2A) provided the person who is eligible to participate through normal purchase rates or through sending communications at normal expenses rates is given a choice of free entry into the competition.

Under Schedule 15A paying for goods or services at a price rate which either reflects the opportunity to participate in an arrangement (i.e. an inflated price) or exceeds the “normal rate” of expenses of sending a letter by ordinary post (e.g. a requirement to send by recorded delivery), making a telephone call or using any other method of communication constitute paying to participate (to enter) and are thereby an illegal lottery or unlawful prize competition under new Articles 131(2) and 168(2A) respectively. The same principle applies to any arrangement which requires a person to pay in order to discover whether a prize has been won or to take possession of a prize which has or may have been allocated. It is also

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immaterial, under new Schedule 15A, whether a person knows when making a payment that the person thereby participates in the arrangement.

Paragraph 9 of Schedule 15A gives the Department to power to make regulations that may provide that an activity of a specified kind or performed in specified circumstances is to be or not to be treated for the purposes of new Articles 131(2) and 168(2A) as paying to participate in the arrangement.