
STATUTORY INSTRUMENTS

1985 No. 1204

**The Betting, Gaming, Lotteries and
Amusements (Northern Ireland) Order 1985**

PART IV

LOTTERIES

Lottery certificates

Prohibition on acting as a lottery consultant or manager without a certificate

140. It shall be unlawful for any person to act^{F1} in relation to any society's lottery] as an external lottery consultant or manager unless he holds a lottery certificate authorising him to do so and any person acting in contravention of this Article shall be guilty of an offence.

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Persons to whom lottery certificates may be granted

141.—(1) A lottery certificate may be granted to an individual, to a body corporate or to 2 or more persons carrying on business in partnership.

(2) In considering the fitness of a person to hold a lottery certificate, a court shall have regard to the character, reputation and financial standing—

- (a) of the applicant; and
- (b) of any other person by whom the business which is or is proposed to be carried on under the certificate would be managed, or for whose benefit that business would be carried on;

but may also take into consideration any other circumstances appearing to it to be relevant in determining whether the applicant is likely to be capable of, and diligent in, securing that the provisions of this Part or any regulations made under it will be complied with.

(3) In considering the fitness of a body corporate to hold a lottery certificate, a court shall also have regard to the character, reputation and financial standing of the directors of the body corporate and any other persons who have executive control of it or who have a financial interest in it, as if the certificate were, or proposed to be held by them jointly.

(4) Subject to paragraph (5), the following persons shall be disqualified for obtaining or holding a lottery certificate—

- (a) a person under the age of 21;
- (b) a person who does not ordinarily reside in Northern Ireland;
- (c) a person who has ordinarily resided in Northern Ireland for less than 12 months before making an application for the grant of a lottery certificate;

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[^{F2}(d) a body corporate other than a company registered under the Companies Act 2006 in Northern Ireland.]

(5) For the purposes of paragraph (4) any reference to a person, where that person is a body corporate, shall be construed as a reference to the directors of that body corporate.

(6) A lottery certificate purporting to be held by any person—

(a) who is disqualified by paragraph (4) for holding or obtaining such a certificate; or

(b) in respect of whom there is in force a disqualification order under Article 151 or 152;

is void.

F2 Art. 141(4)(d) substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 65(6)** (with art. 10)

Grant of lottery certificates

142.—(1) An application for the grant of a lottery certificate shall be made to a court of summary jurisdiction.

(2) The procedure for applications for the grant of lottery certificates is set out in Schedule 16.

(3) On an application for the grant of a lottery certificate the court shall hear the objections, if any, made under Schedule 16.

(4) A court shall, subject to paragraph (5), refuse an application for the grant of a lottery certificate unless it is satisfied—

(a) that the procedure relating to the application set out in Schedule 16 has been complied with; and

(b) that the applicant is a fit person to hold a certificate; and

(c) that the applicant is not a person in respect of whom a disqualification order under Article 151 or 152 is in force; and

(d) that the applicant has not been refused the grant or renewal of a lottery certificate on the ground mentioned in sub-paragraph (b) or (e) within the immediately preceding 12 months; and

(e) that the applicant will not allow the business proposed to be carried on under the certificate to be managed by, or carried on for the benefit of, a person other than the applicant who would himself be refused the grant of a lottery certificate.

(5) A court may grant a lottery certificate notwithstanding that the procedure relating to the application set out in Schedule 16 has not been complied with if, having regard to the circumstances, it is reasonable to do so.

(6) A court may refuse an application for the grant of a lottery certificate if it is satisfied that the applicant has been convicted of an offence under this Part.

(7) Where the court refuses an application for the grant of a lottery certificate it shall specify in its order the reasons for its refusal.

Form and duration of new lottery certificates

143.—(1) A lottery certificate shall be in such form as may be prescribed by regulations.

(2) Subject to the succeeding provisions of this Article, a lottery certificate shall, unless it is revoked or is a certificate to which a disqualification order under Article 151 or 152 applies or it ceases to be in force under Article 173, remain in force from the date on which it is granted until—

- (a) the expiration of the certification year in which it is granted; or
 - (b) if it is granted within the 3 months immediately preceding the expiration of that year, the expiration of the next following certification year.
- (3) Where, at the hearing of an application for the grant of a lottery certificate, any person appears before the court and opposes the grant, but the court grants the certificate—
- (a) until the expiry of the time for bringing an appeal against the grant and, if an appeal is brought, until the grant is confirmed or the appeal is abandoned, the certificate granted shall not come into force;
 - (b) if on appeal the grant is confirmed or if the appeal is abandoned, for the purpose of determining the period for which the certificate is to be in force the date when the appeal is disposed of shall be substituted for the date on which the certificate was granted and the clerk of petty sessions shall (if necessary) amend the certificate accordingly.
- (4) Paragraph (2) shall not prejudice the operation of Articles 147 and 150 under which a lottery certificate may continue in force after the time when it would otherwise expire.
- (5) Where at any time—
- (a) the holder of a lottery certificate dies or is adjudged bankrupt, or his business becomes vested in the official assignee (whether before or after his death) without his being so adjudged or becomes vested in a trustee under a deed of arrangement with his creditors, or a receiver of his property or a committee or guardian is appointed with power to manage the business; or
 - (b) in the case of a body corporate, a winding-up is commenced or a receiver is appointed as aforesaid;
- except for the purposes of the renewal of the lottery certificate, the personal representative or, as the case requires, the assignees or trustee in bankruptcy, official assignee, trustee under the deed, receiver, committee, guardian or liquidator shall be deemed to be the holder of the lottery certificate and—
- (i) subject to sub-paragraph (ii), the lottery certificate shall, where it would otherwise expire under this Article or Article 148 continue in force until the end of a period of 6 months from that time unless the certificate is revoked or is a certificate to which a disqualification order under Article 151 or 152 applies or the certificate ceases to be in force under Article 173;
 - (ii) a court of summary jurisdiction may on the application of the person deemed to be the holder of the lottery certificate, extend the period for which that certificate continues to be in force by virtue of this paragraph if it is satisfied that no circumstances make it undesirable.
- (6) Where the holder of a lottery certificate dies and he has no personal representative or his personal representative is unwilling or unable to act, the certificate shall, unless the certificate is revoked or is a certificate to which a disqualification order under Article 151 or 152 applies or the certificate ceases to be in force under Article 173, continue in force for the benefit of any person entitled in consequence of his death to a beneficial interest in the business carried on under the certificate until—
- (a) the expiration of a period of 2 months from the date of his death, or
 - (b) paragraph (5) becomes applicable by reason of the appointment of a personal representative,
- whichever first occurs.
- (7) The authority conferred on any person by virtue of paragraph (5) or (6) to carry on a business under a lottery certificate shall be suspended on the expiration of the period of 2 weeks from the date when he commenced to carry on that business unless during that period he has served notice

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that he is carrying on the business by virtue of that paragraph (and, if he is carrying it on by virtue of paragraph (5), the capacity in which he is doing so) upon—

- (a) the clerk of petty sessions for the petty sessions district, and
- (b) the sub-divisional commander of the police sub-division,

in which the premises in which the business is carried on are situated; but the authority, if so suspended, shall revive upon the service of such a notice.

Renewal of lottery certificates

144.—(1) An application for the renewal of a lottery certificate shall be made to a court of summary jurisdiction except where the certificate is renewed by the clerk of petty sessions under this Article.

(2) The procedure for applications for the renewal of lottery certificates is set out in Part I of Schedule 17.

(3) Subject to paragraph (4), where notice of an application for the renewal of a certificate otherwise than under Article 146 has been served upon the clerk of petty sessions, he may renew the lottery certificate as if the application had been made to him and may do so in the absence of the applicant.

(4) Where—

- (a) a notice of objection has been served on the clerk of petty sessions and has not been withdrawn; or
- (b) in the case of an application for the renewal of a lottery certificate held by a partner or a body corporate, the clerk is not satisfied that—
 - (i) in the case of partners, the partners; or
 - (ii) in the case of a body corporate, the directors or the persons who have executive control of it or who have a financial interest in it;

have not changed since the certificate was last renewed or, in the case of a first renewal of the certificate, since the certificate was granted; or

- (c) the clerk is of the opinion, for any other reason, that an application for the renewal of the certificate should be made to the court;

the clerk shall require the application to be made to the court and shall notify the applicant and the objectors, if any, of the requirement and of the time and place of the hearing.

(5) Where a lottery certificate is renewed, the clerk shall note the renewal on the certificate.

Renewal of lottery certificates by a court

145.—(1) On an application for the renewal of a lottery certificate a court shall hear the objections, if any, made under Schedule 17.

(2) A court shall, subject to paragraph (3), refuse an application for the renewal of a lottery certificate unless it is satisfied—

- (a) that the procedure relating to the application set out in Schedule 17 has been complied with; and
- (b) that the applicant is a fit person to hold a lottery certificate; and
- (c) that the applicant has not allowed the business carried on under the certificate to be managed by, or carried on for the benefit of, a person other than the applicant, who would himself be refused the grant of a lottery certificate.

(3) A court may renew a lottery certificate notwithstanding that the procedure relating to the application set out in Schedule 17 has not been complied with if, having regard to the circumstances, it is reasonable to do so.

(4) A court may refuse an application for the renewal of a lottery certificate if it is satisfied that the applicant has been convicted of an offence under this Part.

(5) Where the court refuses an application for the renewal of a lottery certificate it shall specify in its order the reasons for its refusal.

Renewal of lottery certificates out of time

146.—(1) Where the holder of a lottery certificate which falls to expire at the end of a certification year fails to serve due notice of the application for its renewal before the renewal date in that year a court of summary jurisdiction, upon application for the renewal of the lottery certificate being made not later than the end of the next following certification year, may renew the lottery certificate if it is satisfied that there was good reason for the failure.

(2) The procedure for applications under this Article for the renewal of lottery certificates is set out in Part I of Schedule 17 as modified by Part II of that Schedule.

Continuance of lottery certificates pending determination of appeal

147. Where a court refuses an application for the renewal of a lottery certificate and the holder of the certificate appeals, the certificate shall, unless it is revoked or is a certificate to which a disqualification order under Article 151 or 152 applies or it ceases to be in force under Article 173, continue in force until the appeal is determined or abandoned.

Duration of renewed lottery certificates

148.—(1) Subject to paragraph (2), on the renewal of a lottery certificate, the certificate shall, unless it is revoked or is a certificate to which a disqualification order under Article 151 or 152 applies or it ceases to be in force under Article 173, remain in force until—

- (a) if it is renewed within the 3 months immediately preceding the expiration of the then current certification year, the expiration of the next following certification year, or
- (b) in any other case, the expiration of the then current certification year.

(2) Paragraph (1) shall not prejudice the operation of Articles 143(5) and (6), 147 and 150 under which a lottery certificate may continue in force after the time when it would otherwise expire.

Revocation of lottery certificates

149.—(1) An application for the revocation of a lottery certificate may be made by any person to a court of summary jurisdiction on any of the following grounds—

- (a) that the holder of the certificate is not a fit person to hold a lottery certificate; or
- (b) that any information which, in or in connection with the application on which the certificate was granted, was given to the court by the applicant was false in a material particular; or
- (c) that the holder of the certificate has been refused the grant or renewal of a lottery certificate on the ground mentioned in sub-paragraph (a) or (d) within the preceding 12 months; or
- (d) that the holder of the certificate has allowed the business carried on under the certificate to be managed by, or carried on for the benefit of, a person other than the holder of the certificate who would himself be refused the grant of a lottery certificate; or
- (e) that the holder of the certificate has been convicted of an offence under this Part.

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- (2) The procedure for applications for the revocation of lottery certificates is set out in Schedule 7.
- (3) On an application for the revocation of a lottery certificate, a court shall hear the objections, if any, made under Schedule 7.
- (4) A court shall refuse an application for the revocation of a lottery certificate unless it is satisfied that the application is not made on grounds which—
- (a) have been, or ought to have been, raised previously by way of objection either when the lottery certificate was granted or on an occasion when it has been renewed; or
 - (b) are or have been the subject matter of proceedings for such an offence as is mentioned in Article 152.
- (5) Where the court refuses an application for the revocation of a lottery certificate it shall specify in its order the reasons for its refusal.

Continuance of lottery certificates pending determination of appeal against revocation

150. Where a court revokes a lottery certificate and the holder of the certificate appeals, the certificate shall, unless it is a certificate to which a disqualification order under Article 152 applies or it ceases to be in force under Article 173, continue in force until the appeal is determined or abandoned.

Disqualification of holder of lottery certificate on revocation of certificate

151.—(1) Where a court of summary jurisdiction revokes a lottery certificate the court may make a disqualification order prohibiting the person to whom the lottery certificate was granted from holding such a certificate during such period, not exceeding 5 years from the date on which the order takes effect, as may be specified in the order.

(2) Where a disqualification order under paragraph (1) is made any lottery certificate within the prohibition obtained before the order is made or before it takes effect shall by virtue of the order be void as from the time the order takes effect.

- (3) A disqualification order under paragraph (1) shall not take effect—
- (a) until the expiry of the time for bringing an appeal against the revocation of the lottery certificate or against the making of the order, and
 - (b) if such an appeal is brought, until the appeal has been determined or abandoned.

Disqualification of holder of lottery certificate on conviction of offence

152.—(1) Where a holder of a lottery certificate is convicted of—

- (a) an offence under Article 139(1) or (2) or 140; or
- (b) any offence involving fraud or dishonesty;

the court by which he is convicted may make a disqualification order prohibiting him from holding or obtaining a lottery certificate during such period, not exceeding 5 years from the date on which the order takes effect, as may be specified in the order.

(2) Where a disqualification order under paragraph (1) is made any lottery certificate within the prohibition obtained before the order is made or before it takes effect shall by virtue of the order be void as from the time when the order takes effect.

- (3) A disqualification order under paragraph (1) shall not take effect—
- (a) until the expiry of the time for bringing an appeal against the conviction or against the making of the order, and
 - (b) if such an appeal is brought, until the appeal has been determined or abandoned.

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