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STATUTORY INSTRUMENTS

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**1994 No. 1893 (N.I. 8)**

**NORTHERN IRELAND**

**The Betting and Lotteries (Northern Ireland) Order 1994**

*Made - - - - 19th July 1994  
Coming into operation on days to be appointed under  
Article 1(2)*

At the Court at Buckingham Palace, the 19th day of July 1994

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974<sup>(1)</sup> and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

**Title and commencement**

1.—(1) This Order may be cited as the Betting and Lotteries (Northern Ireland) Order 1994.

(2) This Order shall come into operation on such day or days as the Head of the Department of Health and Social Services may by order appoint.

**Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954<sup>(2)</sup> shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order “the principal Order” means the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985<sup>(3)</sup>.

**Private lotteries**

3. In Article 2 of the principal Order (interpretation)—

(a) in paragraph (2) in the definition of “private lottery”—

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(1) 1974 c. 28  
(2) 1954 c. 33 (N.I.)  
(3) 1985 NI 11

- (i) the words “and in which the sale of tickets or chances by the promoters is confined to” shall be omitted;
- (ii) for the words from “and which” onwards there shall be substituted “and which satisfies the conditions in paragraph (2A)”;
- (b) after paragraph (2) there shall be inserted—
  - “(2A) The conditions referred to in the definition of “private lottery” in paragraph (2) are—
    - (a) the lottery must be promoted by persons each of whom—
      - (i) is one of the persons for whom the lottery is promoted; and
      - (ii) 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; and
    - (b) the sale of tickets or chances in the lottery must be confined—
      - (i) to the persons for whom the lottery is promoted; and
      - (ii) in the case of a lottery promoted for the members of a society, to any other persons on the society’s premises.”.

**Removal of prohibition on the use of premises for the delivery of football pools coupons and stakes**

- 4. In Article 3 of the principal Order (restriction on use of premises for betting transactions)—
  - (a) in paragraph (1) for “paragraph (2)” there shall be substituted “paragraphs (1A) and (2)”;
  - (b) after paragraph (1) there shall be inserted—
    - “(1A) Subject to paragraphs (1B) and (1C), paragraph (1) shall not apply to the use of premises as a place where persons may deliver—
      - (a) completed coupons or other entry forms for qualifying competitions promoted by a registered pool promoter within the meaning of section 4(2) of the Betting, Gaming and Lotteries Act 1963<sup>(4)</sup>, who carries on his pool betting business by post; and
      - (b) the stake money in respect of such coupons or other entry forms, for forwarding to the registered pool promoter.
    - (1B) Paragraph (1A) shall not affect the operation of paragraph (1) in relation to such premises as may be prescribed by regulations.
    - (1C) In paragraph (1A), the reference to coupons or other entry forms for qualifying competitions does not include any coupon or other entry form that can effect entry to a competition that is not a qualifying competition.
    - (1D) In paragraphs (1A) and (1C), “qualifying competition” means a competition—
      - (a) that is a competition for prizes for making forecasts as to association football games to be played on a Saturday, a Sunday or a day that is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971<sup>(5)</sup>, and
      - (b) that requires each entry in the competition to consist of a forecast as to at least 4 such games.”.

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(4) 1963 c. 2  
(5) 1971 c. 80

### **Reduction of age limit in relation to football pool betting**

5.—(1) After Article 51(4) of the principal Order (betting with young persons) there shall be added—

“(4A) In any case concerning—

- (a) a bet which is an entry in a qualifying competition (as defined in Article 3(1D)), or
- (b) a betting transaction relating to such a bet,

this Article shall have effect with the substitution in paragraphs (1) to (4) of “16” for “18”.

(2) After Article 52(3) of the principal Order (betting circulars not to be sent to young persons) there shall be added—

“(4) In any case concerning—

- (a) a bet which is an entry in a qualifying competition (as defined in Article 3(1D)),
- (b) a betting transaction relating to such a bet, or
- (c) information as to any game of association football upon which such betting is carried on,

this Article shall have effect with the substitution in paragraphs (1) and (3) of “16” for “18”.

(3) In column 2 of Schedule 18 to the principal Order, in the entries relating to Articles 51(1) and (2) and 52(1), after the word “18” where it appears there shall be inserted the words “or, as the case may be, 16”.

### **Registration of societies**

6. In Article 136 of the principal Order (registration of societies)—

(a) after paragraph (2)(b) there shall be inserted—

“(bb) specify the address of the office or head office of the society, and”;

(b) after paragraph (5)(a) there shall be inserted—

“(aa) that the address of the office or head office of the society is the same as that of the office or head office of another registered society that is established for the same or a connected purpose; or”;

(c) after paragraph (10)(a) there shall be inserted—

“(aa) that the address of the office or head office of the society is the same as that of the office or head office of another registered society that is established for the same or a connected purpose; or”;

(d) after paragraph (10) there shall be inserted—

“(10A) A registered society shall notify the district council of any change in the address of the society’s office or head office within 21 days from the day on which the change takes effect.”;

(e) in paragraph (12)(a) for “(11)” there shall be substituted “(10A) or (11)”.

### **Rules for societies' lotteries**

7. In Article 137 of the principal Order (rules for societies' lotteries)—

(a) in paragraph (3) (information to be given 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”;

- (b) for paragraph (4) there shall be substituted—
- “(4) The Department may, by order subject to affirmative resolution, specify—
- (a) the maximum number of lotteries that may be promoted on behalf of the same society in any year; and
  - (b) the minimum number of days that must elapse between the dates of any 2 lotteries promoted on behalf of the same society.”;

(c) in paragraph (6) (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”;

(d) in paragraph (11) for the words from “10 per cent.” onwards there shall be substituted “in amount or value £25,000 or 10 per cent. of the proceeds of the lottery (whichever is greater)”;

(e) in paragraph (13) the words “be less than 30 per cent. nor” shall be omitted;

(f) after paragraph (15) there shall be inserted—

“(15A) For the purposes of paragraph (14), the amount of any expenses that are met—

    - (a) by the society on whose behalf the lottery is promoted, or
    - (b) by any beneficiary of the lottery,

shall be treated as having been appropriated on account of expenses from the proceeds of the lottery.

(15B) In paragraph (15A) “beneficiary of the lottery” means a person (other than the society on whose behalf 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.

(15C) The amount of the proceeds of a 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 such percentage of the whole proceeds of the lottery as the Department may specify, by order subject to affirmative resolution.”.

### **Offences relating to societies' lotteries**

- 8.** In Article 139 of the principal Order (offences relating to societies' lotteries)—
- (a) in paragraph (1) (contravention of requirement of Part 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 Article 137(4)”;
  - (b) after paragraph (3) there shall be inserted—
 

“(3A) It shall be a defence for a person charged with an offence under paragraph (1) in respect of a contravention of Article 137(11) to prove—

    - (a) that the proceeds of 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 Article 137(11) if the proceeds of the lottery 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.”;
  - (c) after paragraph (4) there shall be inserted—

“(4A) It shall be a defence for any person charged with an offence under paragraph (1) in respect of an appropriation made in contravention of Article 137(15C) to prove—

- (a) that the proceeds of the lottery fell short of the sum reasonably estimated; and
- (b) that the appropriation was made—
  - (i) in order to fulfil an unconditional undertaking as to prizes given in connection with the sale of the relevant tickets or chances; or
  - (ii) in respect of expenses actually incurred; or
  - (iii) in order to fulfil an unconditional undertaking as to prizes given in connection with the sale of the relevant tickets or chances and in respect of expenses actually incurred; and
- (c) that the total amounts appropriated in respect of prizes and expenses did not exceed the amounts which could lawfully have been appropriated out of the proceeds of the lottery under paragraph (15C) if the proceeds had amounted to the sum reasonably estimated.”.
- (d) in paragraph (5) (defence in respect of contravention of Article 137, etc.) for “contravention of Article 137(4), (11) or (12)” there shall be substituted “contravention of an order made under Article 137(4) or of Article 137(12)”.

#### **Lottery certificates**

9. In Article 140 of the principal Order (prohibition on acting as a lottery consultant or manager without a certificate) after “act” there shall be inserted “in relation to any society’s lottery”.

#### **Repeals**

10. In the principal Order, the following provisions are hereby repealed, that is to say—
- (a) in Article 2(2), in the definition of “private lottery”, the words “and in which the sale of tickets or chances by the promoters is confined to”;
  - (b) in Article 137(13) the words “be less than 30 per cent. nor”.

*N. H. Nicholls*  
Clerk of the Privy Council

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes miscellaneous amendments to the law relating to betting and lotteries. The principal amendments—

- (a) enable tickets or chances in a private lottery promoted by a society to be sold to non-members of the society if they are on the society’s premises;
- (b) remove the prohibition on the use of premises for the collection of football pools coupons and stakes;
- (c) reduce the minimum age for football pool betting from 18 to 16 years; and
- (d) in relation to lotteries—
  - (i) increase the maximum prize in a society’s lottery;
  - (ii) remove the restriction on the minimum amount of the proceeds of such a lottery which must be appropriated for prizes;
  - (iii) amend existing controls on advertising and the donation of expenses; and
  - (iv) prevent multiple registration of societies.