
EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 1 of the Legislative and Regulatory Reform Act 2006. It removes certain restrictions that apply to exempt lotteries regulated by Parts 1 and 2 of Schedule 11 to the Gambling Act 2005.

Article 2 amends the exemption for incidental lotteries in Part 1 of Schedule 11, so that it is no longer limited to lotteries that are incidental to a non-commercial event. As a result, the exemption now applies to lotteries which are incidental to any event, provided that the conditions specified in that Part are satisfied. There is also no longer a requirement for the results of the lottery to be made public while the event is taking place.

Article 3 amends the exemption for “private lotteries” (private society lotteries, work lotteries and residents’ lotteries) in Part 2 of Schedule 11.

The exemption for private society lotteries is expanded so as to now apply to any private society lottery promoted other than for private gain; the promotion of such a lottery is no longer limited to any of the purposes for which the society in question is conducted.

A work lottery or a residents’ lottery can now be exempt even if it is not organised in such a way as to ensure that no profits are made, provided that the lottery is being promoted wholly for a purpose other than that of private gain.

Article 3 also reduces the amount of information that needs to be shown on the face of tickets in a private lottery.

Article 4 makes consequential and incidental amendments, including the extension of the offence of misusing profits of an exempt lottery in section 261 of the Gambling Act 2005 to work lotteries and residents’ lotteries which are organised to make a profit. By article 4(1)(a), the maximum imprisonment for an offence committed under section 261(2) by virtue of section 261(1)(ba) is six months. When section 281(5) of the Criminal Justice Act 2003 comes into force, this will increase to 51 weeks.

A full impact assessment as to the effect that this instrument will have on the costs of business and the voluntary sector is available on the Government website at <https://www.gov.uk/government/consultations/consultation-on-incident-non-commercial-private-society-work-and-residents-lotteries>. This impact assessment is also published with the Explanatory Document alongside the instrument on www.legislation.gov.uk.