



Lotteries Act 1975

1975 CHAPTER 58

Lotteries Authorised by Act

1 Power of certain societies and of local authorities to promote lotteries

- (1) Subject to the provisions of this Act,—
- (a) a lottery is lawful if it is promoted in Great Britain on behalf of a society which is for the time being registered under Schedule 1 to this Act; and
 - (b) a lottery is lawful if it is promoted in Great Britain by a local authority.
- (2) In this Act " society " means a society (including a club, institution, organisation or association of persons, by whatever name called, and any separate branch or section of such a club, institution, organisation or association) which is established and conducted wholly or mainly for one or more of the following purposes, that is to say—
- (a) charitable purposes;
 - (b) participation in or support of athletic sports or games or cultural activities;
 - (c) purposes which are not described in paragraph (a) or (b) above and are neither purposes of private gain nor purposes of any commercial undertaking ;
- and " society's lottery " means a lottery promoted on behalf of a society.
- (3) Any purpose for which a society is established and conducted and which is calculated to benefit the society as a whole shall not be held to be a purpose of private gain by reason only that action in its fulfilment would result in benefit to any person as an individual.
- (4) In this Act " local authority " means—
- (a) in England, a county council, the Greater London Council, a district council, a London borough council, the Common Council of the City of London, the Council of the Isles of Scilly and a parish council;
 - (b) in Wales, a county council, a district council and a community council; and
 - (c) in Scotland, a regional council, an islands council and a district council;
- and " local lottery " means a lottery promoted by a local authority.
- (5) In the Betting, Gaming and Lotteries Act 1963—

Status: This is the original version (as it was originally enacted).

- (a) in section 41 (under which lotteries in general are unlawful) after the words "this Act" there shall be inserted the words " and the Lotteries Act 1975 "; and
- (b) at the end of paragraph (b) of section 42(2) (defences for persons charged with offences in connection with lotteries) there shall be added "or
 - (c) that the lottery to which the proceedings relate was a lottery authorised by the Lotteries Act 1975, and that at the date of the alleged offence the person charged believed, and had reasonable ground for believing, that it was being conducted in accordance with the requirements of that Act."

Societies' Lotteries

2 Organisation and purposes of societies' lotteries

- (1) A society's lottery is unlawful unless—
 - (a) it is promoted in accordance with a scheme approved by the society ; and
 - (b) one of the conditions specified in subsection (2) below is satisfied.
- (2) The conditions mentioned in subsection (1)(b) above are—
 - (a) that the total value of tickets or chances to be sold is £5,000 or less ; and
 - (b) that the scheme is registered with the Board before any tickets or chances are sold.
- (3) The whole proceeds of a society's lottery, after deducting sums lawfully appropriated on account of expenses or for the provision of prizes, shall be applied to purposes of the society such as are described in section 1(2) above.

Local lotteries

3 Local authority schemes

- (1) A local lottery is unlawful unless—
 - (a) it is promoted in accordance with a scheme approved by the local authority ; and
 - (b) the scheme is registered with the Board before any tickets or chances are sold.
- (2) The functions of local authorities for the discharge of which arrangements may be made under section 101 of the Local Government Act 1972 or section 56 of the Local Government (Scotland) Act 1973 (arrangements for the discharge of a local authority's functions by a committee, a sub-committee or an officer of the authority, or by another local authority) do not include the approval of schemes for local lotteries.

4 Purposes of a local lottery

- (1) A local authority may promote a local lottery for any purpose for which they have power to incur expenditure under any enactment, including, without prejudice to the generality of this subsection, section 137 of the Local Government Act 1972 and section 83 of the Local Government (Scotland) Act 1973 (power of local authorities to incur expenditure for certain purposes not otherwise authorised).
- (2) It shall be the duty of a local authority—

- (a) to give such publicity to the object of a local lottery as will be likely to bring it to the attention of persons purchasing tickets or chances ; and
 - (b) subject to the following provisions of this section, to apply money accruing from a local lottery only to the object of the lottery.
- (3) In this section " object" means the particular purpose or purposes for which a local authority promote a local lottery.
- (4) The Secretary of State, upon receipt of an application from a local authority for his consent to the use of money accruing from a local lottery for a purpose suggested by the local authority other than the object of the lottery, may give that consent if and only if he is satisfied—
- (a) that the object of the lottery, in whole or in part—
 - (i) has been as far as may be fulfilled ; or
 - (ii) cannot be carried out; or
 - (b) that the object provides a use for part only of the money accruing from the lottery ; or
 - (c) that the money accruing from the lottery and other money applicable for similar purposes can be more effectively used in conjunction, and to that end can suitably be made applicable to common purposes; or
 - (d) that the object was specified by reference to an area which was, when the object was specified, but has since ceased to be, a unit for some other purpose, or by reference to a class of persons or to an area which has for any reason since ceased to be suitable; or
 - (e) that the object, in whole or in part, has since it was specified—
 - (i) been adequately provided for by other means; or
 - (ii) ceased in any other way to provide a suitable and effective method of using money accruing from the lottery.
- (5) If the Secretary of State consents to the use of money accruing from a local lottery for a purpose other than its object, it shall be the duty of the local authority to use it only for the purpose for which the consent is given.

5 Proceeds of local lotteries

- (1) A local authority shall pay the whole proceeds of a local lottery, after deducting the expenses of promoting it and the sums required for prizes, into a fund (in this section referred to as a " lottery fund "), and any money in such a fund shall be invested by the local authority and any income arising from such investment shall be credited to the fund.
- (2) It shall be the duty of a local authority to maintain a separate lottery fund for each local lottery which they promote.
- (3) The payment by a local authority out of their rate fund, within the meaning of subsection (7) of section 1 of the Local Government Act 1974, of money accruing from a local lottery shall not be relevant expenditure within the meaning of subsection (4) of that section; and accordingly in the said subsection (4) after the word " below " there shall be inserted the words " and section 5(3) of the Lotteries Act 1975 " .

Registration, accounts, etc.

6 Registration of societies

Schedule 1 to this Act shall have effect.

7 Registration of schemes

Schedule 2 to this Act shall have effect.

Rules for lotteries authorised by Act

8 Frequency of lotteries

- (1) No society or local authority shall hold more than fifty-two lotteries in any period of twelve months, but—
 - (a) when the date of two or more society's lotteries promoted on behalf of one society is the same and the total value of the tickets or chances to be sold in those lotteries does not exceed £10,000, all those lotteries shall be treated as one ; and
 - (b) when the date of two or more lotteries promoted by one local authority is the same and the total value of the tickets or chances to be sold in those lotteries does not exceed £10,000, all those lotteries shall be treated as one.
- (2) The date of any lottery promoted on behalf of a society shall be not less than seven days after the date of any previous lottery promoted on behalf of that society, except that the date of a lottery promoted for the purpose of selling tickets or chances wholly or mainly to persons attending a particular athletic or sporting event may be seven days or less after the date of a previous lottery promoted on behalf of the society.
- (3) The date of any lottery promoted by a local authority shall be not less than seven days after the date of any previous lottery promoted by that authority.

9 Rules for authorised lotteries

- (1) In the case of a society's lottery—
 - (a) the promoter of the lottery shall be a member of the society authorised in writing by the governing body of the society to act as the promoter ; and
 - (b) every ticket and every notice or advertisement of the lottery lawfully exhibited, distributed or published shall specify the name of the society, the name and address of the promoter and the date of the lottery.
- (2) No ticket or chance in a society's lottery or a local lottery shall be sold at a price exceeding 25p.
- (3) The price of every ticket or chance shall be the same, and the price of any ticket shall be stated on the ticket.
- (4) No person shall be admitted to participate in a society's lottery or a local lottery in respect of a ticket or chance except after payment to the society or authority of the whole price of the ticket or chance; and no money received for or on account of a ticket or chance shall in any circumstances be returned.

- (5) No prize in a society's lottery which satisfies the condition specified in section 2(2)(a) above shall exceed £1,000 in amount or value.
- (6) No prize—
- (a) in a society's lottery which satisfies the condition specified in section 2(2) (b) above ; or
 - (b) in a local lottery,
- shall exceed in amount or value the sum which is specified in subsection (7) below as the appropriate sum in relation to that lottery.
- (7) the appropriate sum is—
- (a) £1,000, for a short-term lottery ;
 - (b) £1,500, for a medium-term lottery ; and
 - (c) £2,000, for any other lottery.
- (8) The total value of the tickets or chances sold—
- (a) in a society's lottery which satisfied the condition specified in section 2(2)(b) above ; or
 - (b) in a local lottery,
- shall not exceed the sum which is specified in subsection (9) below as the appropriate sum in relation to that lottery.
- (9) the appropriate sum is—
- (a) £10,000 for a short-term lottery ;
 - (b) £20,000, for a medium-term lottery ; and
 - (c) £40,000 for any other lottery.
- (10) For the purposes of subsections (7) and (9) above—
- (a) a lottery is a short-term lottery if less than one month has passed between the date of that lottery and the date of a previous lottery promoted on behalf of the same society or by the same authority ; and
 - (b) a lottery is a medium-term lottery if less than three months but not less than one month has passed between the date of that lottery and the date of a previous lottery promoted on behalf of the same society or by the same authority.
- (11) The amount of the proceeds of a society's lottery or a local lottery appropriated for the provision of prizes shall not exceed one half of the whole proceeds of the lottery.
- (12) The amount of the proceeds of a society's lottery or a local lottery appropriated on account of expenses (exclusive of prizes) shall not exceed whichever is the less of—
- (a) the expenses actually incurred ; and
 - (b) whichever of the amounts referred to in subsection (13) below applies.
- (13) The amounts referred to in paragraph (b) of subsection (12) above are—
- (a) where the whole proceeds of the lottery do not exceed £5,000, 25 per cent, of those proceeds ; or
 - (b) where the whole proceeds of the lottery do exceed £5,000, 15 per cent, of those proceeds or such larger percentage, not exceeding 25 per cent., as the Board may authorise in the case of a particular lottery.

10 Regulations

- (1) The Secretary of State may by regulations prescribe provisions to be included in—
 - (a) any scheme approved by a society for the promotion of a lottery; and
 - (b) any scheme approved by a local authority for the promotion of a lottery.
- (2) The Secretary of State may by regulations make such provision with respect to the promotion of society's lotteries or local lotteries as he may consider necessary or expedient.
- (3) Without prejudice to the generality of subsection (2) above, the Secretary of State may by regulations impose requirements or restrictions with respect to all or any of the following matters—
 - (a) the persons to whom and by whom tickets or chances in a lottery may or may not be sold ;
 - (b) the circumstances in which tickets or chances may be sold and in which persons may be invited to purchase tickets or chances;
 - (c) the minimum age at which any person may buy a ticket or chance;
 - (d) any information which must, or must not, appear on a ticket;
 - (e) the manner in which a lottery may be advertised ;
 - (f) the use of postal services in connection with lotteries ;
 - (g) the matters in respect of which expenses in a lottery may be incurred.
- (4) Any power to make regulations under this section may be exercised so as to make different provision in relation to different cases or different circumstances.
- (5) It shall be the duty of the Secretary of State before making any regulations under this section to consult—
 - (a) the Board ; and
 - (b) such associations of local authorities as appear to him to be concerned.

11 Orders and fees

- (1) The Secretary of State may by order vary—
 - (a) the figure of £5,000 in section 2(2)(a) above and in paragraph 2 of Schedule 2 to this Act; and
 - (b) any monetary limit in section 8(1) or 9 above.
- (2) The Secretary of State may by order vary the fee payable to a registration authority under paragraph 3 or 9 of Schedule 1 to this Act.
- (3) The Secretary of State may by order prescribe the fees to be payable to the Board under paragraph 7 of Schedule 2 to this Act.
- (4) An order under subsection (3) above may, instead of specifying the amount of any fee, authorise the Board to determine the amount subject to such limit, or in accordance with such provisions, as may be prescribed by the order.

12 Offences

- (1) If any requirement of this Act or of any regulations made under this Act in respect of a society's lottery or a local lottery is contravened, the promoter of that lottery and any other person who is party to the contravention shall be guilty of an offence.

- (2) It shall be a defence for a person charged with any offence only by reason of his being the promoter to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.
- (3) It shall be a defence for any person charged with an offence in respect of an appropriation made in contravention of section 9(11) or (12) above to prove—
 - (a) that the proceeds of the lottery fell short of the sum reasonably estimated; and
 - (b) that the appropriation was made in order to fulfil an unconditional undertaking as to prizes given in connection with the sale of the relevant tickets or chances, or in respect of expenses actually incurred ; and
 - (c) that the total amounts appropriated in respect of prizes or expenses did not exceed the amounts which could lawfully be appropriated out of the proceeds of the lottery under those subsections if the said proceeds had amounted to the sum reasonably estimated.
- (4) It shall be a defence for any person charged with an offence in respect of a contravention of section 8 above or of section 9(6) or (8) above to prove that the date of a lottery was later than he had expected for reasons which he could not foresee.
- (5) A person guilty of an offence under this Act or regulations made under it shall be liable—
 - (a) on summary conviction, to a fine not exceeding £400 ; or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- (6) Where an offence under this Act or regulations made under it committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (7) In this section " contravention ", in relation to any requirement, includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly.

Amendments of Betting, Gaming and Lotteries Act 1963

13 Increase in limits for certain small lotteries

In section 45(3) of the Betting, Gaming and Lotteries Act 1963 (exemption of certain small lotteries conducted for charitable, sporting or other purposes)—

- (a) in paragraph (c), for " one hundred pounds " there shall be substituted " £1,000 ", and for " one shilling " there shall be substituted " 25p ";
- (b) in paragraph (e), for "ten per cent." there shall be substituted " 25 per cent. "; and
- (c) in paragraph (g) for " seven hundred and fifty pounds " there shall be substituted " £5,000 ".

14 Increase in maximum prizes for certain lotteries and entertainments

In section 43 of the Betting, Gaming and Lotteries Act 1963 (limit on sums which promoters of a small lottery may spend on purchasing prizes)—

- (a) in paragraph (iii) of subsection (2)(a) for " ten pounds " there shall be substituted " £50, or such greater sum as may be specified by an order under subsection (2A) below "; and
- (b) after that subsection there shall be inserted the following subsections:—
 - “(2A) The Secretary of State may by order substitute a greater sum than £50 for the sum mentioned in subsection (2)(a)(iii) above.
 - (2B) An order under subsection (2A) above shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.
 - (2C) The power to make an order under subsection (2A) above includes power to revoke the order by a subsequent order.”

15 **Alteration of penalties for offences under Part III of the Betting, Gaming and Lotteries Act 1963**

- (1) After section 52(1) of the Betting, Gaming and Lotteries Act 1963 (penalties and forfeitures) there shall be inserted the following subsection:—
 - “(1A) A person guilty of an offence under section 42, 43, 44, 47, 48 or 49 of this Act shall be liable—
 - (a) on summary conviction, to a fine not exceeding £400; or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both”.
- (2) The amendment made by subsection (1) above shall have effect only in relation to offences committed after the commencement of this Act.

Supplementary

16 **Interpretation**

- (1) In this Act, unless the context otherwise requires—
 - " Board " means the Gaming Board for Great Britain ;
 - " date ", in relation to a lottery, means the date on which the winners in that lottery are ascertained ;
 - " local authority " and " local lottery " have the meanings assigned to them by section 1(4) above ;
 - " society " and " society's lottery " have the meanings assigned to them by section 1(2) above ; and
 - " ticket ", in relation to any lottery or proposed lottery, includes any document evidencing the claim of a person to participate in the chances of the lottery.
- (2) In this Act, unless the context otherwise requires, a reference to the promotion of a lottery includes a reference to the conduct of that lottery, and " promote " shall be construed accordingly.

17 Financial provisions

- (1) There shall be paid out of money provided by Parliament any expenses incurred by the Board in consequence of, or in connection with, the provisions of this Act.
- (2) Any fees received by the Board under this Act shall be paid into the Consolidated Fund.

18 Commencement of section 1

The Secretary of State shall not make an order under section 20(6) below appointing a day for the coming into operation of section 1 above until he has made regulations under section 10 above which provide for their coming into operation on that day.

- (2) Regulations so providing shall not be made unless a draft of them has been approved by resolution of each House of Parliament.

19 Orders and regulations

- (1) Any power to make an order or regulations under this Act shall be exercisable by statutory instrument subject, except in the case of an order under section 20(6) below or of regulations of which a draft has been approved by resolution of each House of Parliament, to annulment in pursuance of a resolution of either House of Parliament.
- (2) Any power conferred by this Act to make an order includes power to vary or revoke the order by a subsequent order.

20 Citation, repeals etc.

- (1) This Act may be cited as the Lotteries Act 1975.
- (2) The enactments specified in Schedule 3 to this Act shall have effect subject to the amendments set out in that Schedule, being amendments consequential on the foregoing provisions of this Act and minor amendments.
- (3) Schedule 4 to this Act shall have effect for the purpose of facilitating the consolidation of the enactments relating to lotteries, and in particular for the purpose of removing anomalies and correcting errors in those enactments.
- (4) The enactments specified in Schedule 5 to this Act are hereby repealed to the extent mentioned in column 3 of that Schedule.
- (5) Section 13 of this Act shall cease to have effect on the day appointed for the coming into operation of Schedule 5 to this Act.
- (6) This Act shall come into operation on such day as the Secretary of State may by order appoint, and different days may be appointed for different provisions and for different purposes.
- (7) Any reference in this Act to an enactment shall be construed as a reference to that enactment as amended, applied or extended by or under any other enactment, including this Act.
- (8) This Act shall not apply to Northern Ireland.