



# Lotteries and Amusements Act 1976

## 1976 CHAPTER 32

**E+W+S**

An Act to consolidate certain enactments relating to lotteries, prize competitions and amusements with prizes. [22nd July 1976]

### Commencement Information

**II** Act not in force at Royal Assent see [s. 25\(9\)](#); Act wholly in force at 1. 5. 1977

## PART I **E+W+S**

### LEGAL AND ILLEGAL LOTTERIES

#### *General illegality of lotteries*

#### **1** **Illegality of lotteries.** **E+W+S**

All lotteries which do not constitute gaming are unlawful, except as provided by this Act. [<sup>F1</sup>and section 2(1) of the National Lottery etc. Act 1993]

### Textual Amendments

**F1** Words in [s. 1](#) added (25.10.1993) by [1993 c. 39, s. 2, Sch. 1 para. 2\(1\)](#); S.I. 1993/2632, [art.2](#)

#### **2** **General lottery offences.** **E+W+S**

- (1) Subject to the provisions of this section, every person who in connection with any lottery promoted or proposed to be promoted either in Great Britain or elsewhere—
- prints any tickets for use in the lottery; or

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*Status: Point in time view as at 01/04/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

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- (b) sells or distributes, or offers or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution, any tickets or chances in the lottery; or
- (c) prints, publishes or distributes, or has in his possession for the purpose of publication or distribution—
  - (i) any advertisement of the lottery; or
  - (ii) any list, whether complete or not, of prize winners or winning tickets in the lottery; or
  - (iii) any such matter descriptive of the drawing or intended drawing of the lottery, or otherwise relating to the lottery, as is calculated to act as an inducement to persons to participate in that lottery or in other lotteries; or
- (d) brings, or invites any person to send, into Great Britain [<sup>F2</sup>from a place outside the British Islands and the member States] for the purpose of sale or distribution any ticket in, or advertisement of, the lottery; or
- (e) sends or attempts to send out of Great Britain [<sup>F3</sup>to a place outside the British Islands and the member States] any money or valuable thing received in respect of the sale or distribution, or any document recording the sale or distribution, or the identity of the holder, of any ticket or chance in the lottery; or
- (f) uses any premises, or causes or knowingly permits any premises to be used, for purposes connected with the promotion or conduct of the lottery; or
- (g) causes, procures or attempts to procure any person to do any of the above-mentioned acts,

shall be guilty of an offence.

- (2) In any proceedings instituted under subsection (1) above, it shall be a defence to prove either—
- (a) that the lottery to which the proceedings relate was a lottery declared not to be unlawful by section 3, 4 or 25(6) below, and that at the date of the alleged offence the person charged believed, and had reasonable ground for believing, that none of the conditions required by the relevant enactment to be observed in connection with the promotion and conduct of the lottery had been broken; or
  - (b) that the lottery to which the proceedings relate was a society's lottery or a local lottery, 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 this Act; or
  - (c) that the lottery to which the proceedings relate was not promoted wholly or partly outside Great Britain and constituted gaming as well as a lottery [<sup>F4</sup>]; or
  - (d) that the lottery to which the proceedings relate was a lottery forming part of the National Lottery for the purposes of Part I of the National Lottery etc. Act 1993 or that at the date of the alleged offence the person charged believed, and had reasonable ground for believing, it to be such a lottery.]

[<sup>F5</sup>(2A) In any proceedings instituted under subsection (1) above in respect of the printing, sale or possession of any tickets, advertisements or other documents or in respect of anything done with a view to or in connection with the printing, sale or export from Great Britain of any tickets, advertisements or other documents, it shall be a defence to prove that at the date of the alleged offence the person charged believed, and had reasonable ground for believing—

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- (a) that the lottery to which the proceedings relate was not being, and would not be, promoted or conducted wholly or partly in Great Britain; and
  - (b) that the tickets, advertisements or other documents were not being, and would not be, used in Great Britain in or in connection with that or any other lottery.]
- (3) In England and Wales, proceedings under subsection (1)(c)(iii) above in respect of any matter published in a newspaper shall not be instituted except by, or by direction of, the Director of Public Prosecutions.

#### Textual Amendments

- F2** Words in s. 2(1)(d) inserted (21.12.1993) by 1993 c. 39, s. 46(3)(a); S.I. 1993/2632, art.3
- F3** Words in s. 2(1)(e) inserted (21.12.1993) by 1993 c. 39, s. 46(3)(b); S.I. 1993/2632, art.3
- F4** S. 2(2)(d) and word immediately preceding it added (25.10.1993) by 1993 c. 39, s. 2, Sch. 1 para. 2(2); S.I. 1993/2632, art. 2
- F5** S. 2(2A) inserted by Lotteries (Amendment) Act 1984 (c. 9, SIF 12:1), s. 1

### Exceptions

#### 3 Small lotteries incidental to exempt entertainments. **E+W+S**

- (1) In this Act “exempt entertainment” means a bazaar, sale of work, fete, dinner, dance, sporting or athletic event or other entertainment of a similar character, whether limited to one day or extending over two or more days.
- (2) Where a lottery is promoted as an incident of an exempt entertainment, that lottery is not unlawful, but the conditions set out in subsection (3) below shall be observed in connection with its promotion and conduct and, if any of those conditions is contravened, every person concerned in the promotion or conduct of the lottery shall be guilty of an offence unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.
- (3) The conditions referred to in subsection (2) above are that—
  - (a) the whole proceeds of the entertainment (including the proceeds of the lottery) after deducting—
    - (i) the expenses of the entertainment, excluding expenses incurred in connection with the lottery; and
    - (ii) the expenses incurred in printing tickets in the lottery; and
    - (iii) such sum, if any, not exceeding £50 or such other sum as may be specified in an order made by the Secretary of State, as the promoters of the lottery think fit to appropriate on account of any expenses incurred by them in purchasing prizes in the lottery,shall be devoted to purposes other than private gain;
  - (b) none of the prizes in the lottery shall be money prizes;
  - (c) tickets or chances in the lottery shall not be sold or issued, nor shall the result of the lottery be declared, except on the premises on which the entertainment takes place and during the progress of the entertainment; and
  - (d) the facilities for participating in lotteries under this section, or those facilities together with any other facilities for participating in lotteries or gaming, shall not be the only, or the only substantial, inducement to persons to attend the entertainment.

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#### 4 Private lotteries. **E+W+S**

- [<sup>F6</sup>(1) In this Act “private lottery” means a lottery in Great Britain which is promoted—
- (a) for members of one society established and conducted for purposes not connected with gaming, betting or lotteries;
  - (b) for persons all of whom work on the same premises; or
  - (c) for persons all of whom reside on the same premises,
- and which satisfies the conditions in subsections (1A) and (1B) below.
- (1A) The lottery must be promoted by persons each of whom—
- (a) is one of the persons for whom the lottery is promoted; and
  - (b) 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.
- (1B) The sale of tickets or chances in the lottery must be confined—
- (a) to the persons for whom the lottery is promoted; and
  - (b) in the case of a lottery promoted for the members of a society, to any other persons on the society’s premises.]

(2) For the purposes of this section, each local or affiliated branch or section of a society shall be regarded as a separate and distinct society.

(3) A private lottery is not unlawful, but the following conditions shall be observed in connection with its promotion and conduct, that is to say—

    - (a) the whole proceeds, after deducting only expenses incurred for printing and stationery, shall be devoted to the provision of prizes for purchasers of tickets or chances, or, in the case of a lottery promoted for the members of a society, shall be devoted either—
      - (i) to the provision of prizes as aforesaid; or
      - (ii) to purposes which are purposes of the society; or
      - (iii) as to part to the provision of prizes as aforesaid and as to the remainder to such purposes as aforesaid;
    - (b) there shall not be exhibited, published or distributed any written notice or advertisement of the lottery other than—
      - (i) a notice of it exhibited on the premises of the society for whose members it is promoted or, as the case may be, on the premises on which the persons for whom it is promoted work or reside; and
      - (ii) such announcement or advertisement of it as is contained in the tickets, if any;
    - (c) the price of every ticket or chance shall be the same, and the price of any ticket shall be stated on the ticket;
    - (d) every ticket shall bear upon the face of it the name and address of each of the promoters and a statement of the persons to whom the sale of tickets or chances by the promoters is restricted, and a statement that no prize won in the lottery shall be paid or delivered by the promoters to any person other than the person to whom the winning ticket or chance was sold by them, and no prize shall be paid or delivered except in accordance with that statement;
    - (e) no ticket or chance shall be issued or allotted by the promoters except by way of sale and upon receipt of its full price, and no money or valuable thing so received by a promoter shall in any circumstances be returned; and
    - (f) no tickets in the lottery shall be sent through the post.

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- (4) Subject to subsection (5) below, if any of the conditions set out in subsection (3) above is contravened, each of the promoters of the lottery, and, where the person by whom the condition is broken is not one of the promoters, that person also, shall be guilty of an offence.
- (5) It shall be a defence for a person charged with an offence under subsection (4) above only by reason of his being a promoter of the lottery to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

#### Textual Amendments

**F6** S. 4(1)(1A)(1B) substituted (21.12.1993) for s. 4(1) by 1993 c. 39 s.47; S.I. 1993/2632, art.3

## 5 Societies' lotteries. **E+W+S**

- (1) In this Act “society’s lottery” means a lottery promoted on behalf of a society 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 but are neither purposes of private gain nor purposes of any commercial undertaking.
- (2) 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.
- (3) Subject to the provisions of this Act, a society’s lottery is not unlawful if—
  - (a) it is promoted in Great Britain; and
  - (b) the society is for the time being registered under [<sup>F7</sup>the appropriate Schedule] and
  - (c) it is promoted in accordance with a scheme approved by the society; [<sup>F8</sup>and
  - (d) either—
    - (i) the total value of tickets or chances to be sold is [<sup>F9</sup>£10,000] or less; or
    - (ii) the scheme is registered with the Board before any tickets or chances are sold.]

[<sup>F10</sup>(3A) The appropriate Schedule for the purposes of subsection (3)(b) above—

- (a) is Schedule 1 to this Act if none of subsections (3B) to (3D) below applies to the lottery;
  - (b) is Schedule 1A to this Act if any of those subsections applies to the lottery.
- (3B) This subsection applies to a lottery if the total value of the tickets or chances sold or to be sold in the lottery is more than £20,000.
- (3C) This subsection applies to a lottery if the total value of—
- (a) the tickets or chances sold or to be sold in the lottery, and
  - (b) the tickets or chances sold or to be sold in all earlier lotteries held by the same society in the same year,

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is more than £250,000.

- (3D) This subsection applies to a lottery if subsection (3B) or (3C) above applied to any earlier lottery held by the same society in the same year or any of the three preceding years.
- (3E) For the purposes of this section—
- (a) a lottery is earlier than another lottery if any tickets or chances in it are sold, distributed or offered for sale before any tickets or chances in the other lottery are sold, distributed or offered for sale, and
  - (b) a lottery is held in the year in which the date of the lottery falls.
- (3F) In this section “year” means a period of twelve months beginning with 1st January.]
- (4) 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 subsection (1) above.
- (5) [F11 Schedules 1 and 1A] to this Act shall have effect.

#### Textual Amendments

- F7** Words in s. 5(3)(b) substituted (3.5.1994) by 1993 c. 39, s. 48(2); S.I. 1994/1055, art. 2
- F8** S. 5(3)(d) (and the word 'and' immediately preceding it) repealed (3.5.1994) by 1993 c. 39, ss. 49(1), 64, Sch.10
- F9** £10,000 substituted (E.W.) by S.I. 1981/110, art. 2, Sch. and (S.) by S.I. 1981/595, art. 2, Sch.
- F10** S. 5(3A)-(3F) inserted (3.5.1994) by 1993 c. 39, s. 48(3); S.I. 1994/1055, art. 2
- F11** Words in s. 5(5) substituted (3.5.1994) by 1993 c. 39, ss. 48(4); S.I. 1994/1055, art. 2

## 6 Local lotteries. **E+W+S**

- (1) In this Act “local lottery” means a lottery promoted by a local authority.
- (2) Subject to the provisions of this Act, a local lottery is not unlawful if—
- (a) it is promoted in Great Britain; and
  - (b) it is promoted in accordance with a scheme approved by the local authority; and
  - (c) the scheme is registered with the Board before any tickets or chances are sold.
- (3) The functions of local authorities for the discharge of which arrangements may be made under section 101 of the <sup>M1</sup>Local Government Act 1972 or section 56 of the <sup>M2</sup>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.

[F12(4) Schedule 2 to this Act shall have effect.]

#### Textual Amendments

- F12** S. 6(4) added (3.5.1994) by 1993 C. 39, s. 49(2); S.I. 1994/1055, art. 2

#### Marginal Citations

- M1** 1972 c. 70.

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M2 1973 c. 65.

## PART II E+W+S

### PROVISIONS RELATING TO SOCIETIES' LOTTERIES AND LOCAL LOTTERIES

#### *Provisions relating to local lotteries*

#### 7 Purposes of a local lottery. E+W+S

- (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 <sup>M3</sup>Local Government Act 1972 and section 83 of the <sup>M4</sup>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.

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**Modifications etc. (not altering text)**

**C1** Functions in s. 7(4) transferred (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, **Sch. 1**.

**Marginal Citations**

**M3** 1972 c. 70.

**M4** 1973 c. 65.

**8 Proceeds of local lotteries. E+W+S**

(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.

[<sup>F13</sup>(3) The payment by a local authority out of their rate fund, within the meaning of subsection (7) of section 1 of the <sup>M5</sup>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.]

**Textual Amendments**

**F13** S. 8(3) repealed (E.W.) by Local Government Finance Act 1987 (c. 6, SIF 81:1), s. 11, **Sch. 5** (the repeal being subject to the provision at the end of that Schedule)

**Marginal Citations**

**M5** 1974 c. 7.

*Provisions relating to societies’ lotteries and local lotteries*

**<sup>F149</sup> Schemes for societies’ lotteries and local lotteries. E+W+S**

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**Textual Amendments**

**F14** S. 9 repealed (3.5.1994) by 1993 c. 39, ss. 49(3), 64, **Sch.10**; S.I. 1994/1055, **art. 2**

**[<sup>F159A</sup> Lottery managers. E+W+S**

- (1) No person shall manage a society’s lottery or a local lottery unless that person is—
  - (a) a member of the society on whose behalf or of the local authority by whom the lottery is promoted, acting in his capacity as such,
  - (b) an employee of that society or authority acting in the course of his employment,



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- (c) in the case of a society's lottery, a company that is wholly owned by the society,
  - (d) a person certified as a lottery manager under Schedule 2A to this Act, or
  - (e) an employee of a person so certified acting in the course of his employment.
- (2) In subsection (1) above “employee”, in relation to an unincorporated body, includes an employee of a member of the body employed by him in his capacity as a member.
- (3) For the purposes of subsection (1)(c) above—
- (a) “company” means a company formed and registered under the <sup>M6</sup>Companies Act 1985 or a company to which the provisions of that Act apply as they apply to a company so formed and registered, and
  - (b) a company is wholly owned by a society if the society is entitled (whether directly or through one or more nominees) to exercise, or control the exercise of, the whole of the voting power at any general meeting of the company.
- (4) In subsection (1) above and Schedule 2A to this Act references to managing a lottery are to managing the promotion, or any part of the promotion, of a lottery.
- (5) Schedule 2A to this Act shall have effect.]

#### Textual Amendments

**F15** S. 9A inserted (3.10.1994) by 1993 c. 39, s. 50(1); S.I. 1994/1055, art. 3

#### Marginal Citations

**M6** 1985 C. 6.

### [<sup>F16</sup>10 Frequency of lotteries. **E+W+S**

- (1) The Secretary of State may by order prescribe—
- (a) the maximum number of lotteries that may be promoted under section 5 or 6 above in any period of twelve months on behalf of the same society or by the same local authority; and
  - (b) the minimum number of days that must elapse between the dates of any two lotteries promoted under section 5 or 6 above on behalf of the same society or by the same local authority.
- (2) An order under subsection (1) above may make different provision for different cases or circumstances.]

#### Textual Amendments

**F16** S. 10 substituted (3.5.1994) by 1993 c. 39, s. 51; S.I. 1994/1055, art. 2

### 11 Rules for authorised lotteries. **E+W+S**

- (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

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- (b) every ticket [<sup>F17</sup>distributed or sold] 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 [<sup>F18</sup>£2]
- (3) The price of every ticket or chance shall be the same, and the price of any ticket [<sup>F19</sup>distributed or sold] 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.
- [<sup>F20</sup>(4A) No payment other than the price of a ticket or chance shall be required of a person as a condition of his admission to participate in a society's lottery or a local lottery.]
- [<sup>F21</sup>(5) No prize in a society's lottery or a local lottery shall exceed in amount or value £25,000 or 10 per cent. of the total value of the tickets or chances sold in the lottery (whichever is greater).
- <sup>F21</sup>(6) The total value of the tickets or chances sold in any one such lottery shall not exceed [<sup>F22</sup>£2,000,000] .
- <sup>F21</sup>(7) The total value of the tickets or chances sold in all such lotteries held in any one year and promoted on behalf of the same society or by the same local authority shall not exceed [<sup>F23</sup>£10,000,000] .
- <sup>F21</sup>(8) For the purposes of subsection (7) above, a lottery is held in the year in which the date of the lottery falls.
- <sup>F21</sup>(9) In this section "year" means a period of twelve months beginning with 1st January; but if subsection (7) above (as substituted by section 52 of the National Lottery etc. Act 1993) comes into force on a date other than 1st January—
- (a) the period beginning with that date and ending with the next 31st December shall be taken to be the first year for the purposes of that subsection, and
  - (b) in relation to that period, the reference to £5,000,000 in that subsection shall be read as a reference to a proportionately smaller amount.]
- (11) The amount of the proceeds of a society's lottery or a local lottery appropriated for the provision of prizes shall not exceed [<sup>F24</sup>55 per cent.]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 specified in subsection (13) below applies.
- (13) The amounts referred to in subsection (12)(b) above are—
- (a) where the whole proceeds of the lottery do not exceed [<sup>F25</sup>£20,000], [<sup>F25</sup>3 5 per cent.]of those proceeds; or
  - (b) where the whole proceeds of the lottery exceed [<sup>F25</sup>£20,000], 15 per cent. of those proceeds or such larger percentage, not exceeding [<sup>F25</sup>35 per cent.], as the Board may authorise in the case of a particular lottery.
- [<sup>F26</sup>(14) For the purposes of subsection (12) above, the amount of any expenses that are met—

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- (a) by the society on whose behalf, or the local authority by whom, 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.
- (15) In subsection (14) above “beneficiary of the lottery” means a person (other than the society on whose behalf, or the local authority by whom, 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.
- (16) The amount of the proceeds of a society’s lottery or a local 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 a prescribed percentage of the whole proceeds of the lottery.]

#### Textual Amendments

- F17** Words in s. 11(1)(b) substituted (3.5.1994) by 1993 c. 39, s. 52(2); S.I. 1994/1055, art. 2
- F18** Word in s. 11(2) substituted (17.6.2002) by virtue of The Lotteries (Variation of Monetary Limits) Order 2002 (S. I. 2002/1410), art. 2
- F19** Words in s. 11(3) inserted (3.5.1994) by 1993 c. 39, s. 52(3); S.I. 1994/1055, art. 2
- F20** S. 11(4A) inserted (3.5.1994) by 1993 c. 39, s. 52(4); S.I. 1994/1055, art. 2
- F21** S. 11(5)-(9) substituted for s. 11(5)-(10) (3.5.1994) by 1993 c. 39, s. 52(5); S.I. 1994/1055, art. 2
- F22** Word in s. 11(6) substituted (17.6.2002) by virtue of The Lotteries (Variation of Monetary Limits) Order 2002 (S. I. 2002/1410), art. 3
- F23** Word in s. 11(7) substituted (17.6.2002) by virtue of The Lotteries (Variation of Monetary Limits) Order 2002 (S. I. 2002/1410), art. 4
- F24** Words in s. 11(11) substituted (10.2.1997) by virtue of S.I. 1997/43, art. 2
- F25** Words in s. 11(13) substituted (10.2.1997) by virtue of S.I. 1997/43, arts. 3, 4
- F26** S. 11(14)-(16) added (3.5.1994) by 1993 c. 39, s. 52(8); S.I. 1994/1055, art. 2

#### Modifications etc. (not altering text)

- C2** S. 11(16) amended (10.2.1997) by S.I. 1997/43, art. 5

## 12 Regulations. **E+W+S**

- (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 society’s lottery; and
  - (b) any scheme approved by a local authority for the promotion of a local 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;

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- (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.

### 13 Offences relating to societies' lotteries and local lotteries. E+W+S

- (1) If any requirement of this Act [<sup>F27</sup>, of any regulations made under it or of any order made under section 10 above] 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 such 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.
- [<sup>F28</sup>(2A) It shall be a defence for a person charged with an offence in respect of a contravention of section 11(5) above to prove—
- (a) that the total value of the tickets or chances sold in 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 section 11(5) above if the total value of the tickets or chances sold 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.]
- (3) It shall be a defence for any person charged with an offence in respect of an appropriation made in contravention of section 11(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 have been appropriated out of the proceeds of the lottery under the said subsections if the 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 [<sup>F29</sup>an order made under]section 10 above [<sup>F30</sup>. . .] to prove that the date of a lottery was later than he had expected for reasons which he could not foresee.

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#### Textual Amendments

- F27** Words in s. 13(1) substituted (3.5.1994) by 1993 c. 39, s. 53(2); S.I. 1994/1055, art. 2  
**F28** S. 13(2A) inserted (3.5.1994) by 1993 c. 39, s. 53(3); S.I. 1994/1055, art. 2  
**F29** Words in s. 13(4) inserted (3.5.1994) by 1993 c. 39, s. 53(4); S.I. 1994/1055, art. 2  
**F30** Words in s. 13(4) repealed (3.5.1994) by 1993 c. 39, s. 64, Sch.10; S.I. 1994/1055, art. 2

### PART III **E+W+S**

#### COMPETITIONS AND AMUSEMENTS

##### *Newspaper and other competitions*

#### 14 Prize competitions. **E+W+S**

- (1) Subject to subsection (2) below, it shall be unlawful to conduct in or through any newspaper, or in connection with any trade or business or the sale of any article to the public—
- (a) any competition in which prizes are offered for forecasts of the result either—
    - (i) of a future event; or
    - (ii) of a past event the result of which is not yet ascertained, or not yet generally known;
  - (b) any other competition in which success does not depend to a substantial degree on the exercise of skill.
- (2) Nothing in subsection (1) above with respect to the conducting of competitions in connection with a trade or business shall apply in relation to sponsored pool betting or in relation to pool betting operations carried on by a person whose only trade or business is that of a bookmaker.
- (3) Any person who contravenes this section shall, without prejudice to any liability to be proceeded against under section 2 above, be guilty of an offence.
- (4) In this section “bookmaker”, “pool betting” and “sponsored pool betting” have the meanings assigned to them by section 55 of the <sup>M7</sup>Betting, Gaming and Lotteries Act 1963.

#### Marginal Citations

- M7** 1963 c. 2.

##### *Amusements with prizes*

#### 15 Provision of amusements with prizes at exempt entertainments. **E+W+S**

- (1) This section applies to the provision at any exempt entertainment of any amusement with prizes which constitutes a lottery or gaming or both but does not constitute—
- (a) gaming to which Part II of the <sup>M8</sup>Gaming Act 1968 applies, or

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- (b) gaming by means of a machine to which Part III of that Act applies.
- (2) Where any such amusement constitutes a lottery, nothing in section 1 or 2 above shall apply to it.
- (3) In relation to any such amusement (whether it constitutes a lottery or not) the conditions set out in subsection (4) below shall be observed, and if either of those conditions is contravened every person concerned in the provision or conduct of that amusement shall be guilty of an offence unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.
- (4) The conditions referred to in subsection (3) above are—
  - (a) that the whole proceeds of the entertainment, after deducting the expenses of the entertainment, shall be devoted to purposes other than private gain; and
  - (b) that the facilities for winning prizes at amusements to which this section applies, or those facilities together with any other facilities for participating in lotteries or gaming, shall not be the only, or the only substantial, inducement to persons to attend the entertainment.
- (5) Where any payment falls to be made—
  - (a) by way of a hiring, maintenance or other charge in respect of a machine to which Part III of the <sup>M9</sup>Gaming Act 1968 applies, or
  - (b) in respect of any equipment for holding a lottery or gaming at any entertainment,
 then if, but only if, the amount of that charge falls to be determined wholly or partly by reference to the extent to which that or some other such machine or equipment is used for the purposes of lotteries or gaming, that payment shall be held to be an application of the proceeds of the entertainment for the purposes of private gain.
- (6) The reference to expenses in subsection (4)(a) above shall accordingly not include a reference to any charge mentioned in subsection (5) above and falling to be determined as there mentioned.

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**Marginal Citations**

**M8** 1968 c. 65.

**M9** 1968 c. 65.

**16 Provision of amusements with prizes at certain commercial entertainments. E**  
+W+S

- (1) This section shall have effect for the purpose of permitting the provision of amusements with prizes where those amusements constitute a lottery or gaming or both but do not constitute gaming to which Part II of the <sup>M10</sup>Gaming Act 1968 applies or gaming by means of a machine to which Part III applies, and they are provided—
  - (a) on any premises in respect of which a permit under this section has been granted in accordance with Schedule 3 to this Act and is for the time being in force, or
  - (b) on any premises used mainly for the purposes of amusements by means of machines to which Part III of the <sup>M11</sup>Gaming Act 1968 applies, being premises

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- in respect of which a permit granted under section 34 of that Act is for the time being in force, or
- (c) at a pleasure fair consisting wholly or mainly of amusements provided by travelling showmen which is held on any day of the year on premises not previously used in that year on more than 27 days for the holding of such a pleasure fair.
- (2) Nothing in section 1 or 2 above shall apply in relation to amusements falling within subsection (1) above, but in relation to any such amusement the conditions set out in subsection (3) below shall be observed, and if any of those conditions is contravened every person concerned in the provision or conduct of that amusement shall be guilty of an offence unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.
- (3) The conditions referred to in subsection (2) above are—
- (a) that the amount paid by any person for any one chance to win a prize does not exceed 10p, and
- (b) that the aggregate amount taken by way of the sale of chances in any one determination of winners, if any, of prizes does not exceed £5, and that the sale of those chances and the declaration of the result take place on the same day and on the premises on which, and during the time when, the amusement is provided, and
- (c) that no money prize is distributed or offered which exceeds 10p, and
- (d) that the winning of, or the purchase of a chance to win, a prize does not entitle any person, whether or not subject to a further payment by him, to any further opportunity to win money or money's worth by taking part in any amusement with prizes or in any gaming or lottery, and
- (e) in the case of such a pleasure fair as is mentioned in subsection (1)(c) above, that the opportunity to win prizes at amusements to which this subsection applies is not the only, or the only substantial, inducement to persons to attend the fair.
- (4) Schedule 3 to this Act shall have effect.

**Modifications etc. (not altering text)**

- C3** S. 16(3)(a) has effect (E.W.) by virtue of S.I. 1984/245, art. 2(a) and (S.) by virtue of S.I. 1984/465, art. 2(a) as if for 10p there were substituted 30p  
S. 16(3)(a) has effect (28.5.1999) as if, for the sum specified, there was substituted the sum 50p by virtue of S.I. 1999/1259, art. 2.
- C4** S. 16(3)(b) has effect (E.W.) (until 30.4.1992) by virtue of S.I. 1988/1025, art. 2 and (S.) (until 30.4.1992) by virtue of S.I. 1988/1053, art. 2 as if for £5 there were substituted £20, and s. 16(3)(b) has effect (E.W.) (1.5.1992) by virtue of S.I. 1992/425, art.2 and (S.) (1.5.1992) by virtue of S.I. 1992/749, art.2 as if for the sum of £20 there were substituted the sum of £25 (and S.I. 1988/1025, art. 2 shall be omitted (1.5.1992) by virtue of S.I. 1992/425, art. 3 and S.I. 1988/1053, art. 2 is revoked (1.5.1992) by S.I. 1992/749, art. 3)  
S. 16(3)(b) amended (1.5.1995) (E.W.) by S.I. 1995/928, art. 2 and which S.I. was revoked (1.10.1997) by S.I. 1997/2080, art. 3.  
s. 16(3)(b) has effect (1.10.1997) as if, for the sum specified, there were substituted the sum £50 by virtue of S.I. 1997/2080, art. 2  
S. 16(3)(b) has effect (28.5.1999) as if, for the sum specified, there was substituted the sum £60 by virtue of S.I. 1999/1259, art. 2

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- S. 16(3)(b) has effect (14.1.2002 as if, for the sum specified, there were substituted the sum £90 by virtue of S.I. 2001/4034, **art. 2(a)**)
- C5** S. 16(3)(b) amended (1.5.1995) (S.) by S.I. 1995/1021, **art. 2** and which S.I. was revoked (1.10.1997) by S.I. 1997/2080, **art. 3**.
- C6** S. 16(3)(b) has effect (1.10.1997) as if for the sum specified in that para. there were substituted the sum £50 by S.I. 1997/2080, **art. 2**
- C7** S. 16(3)(c) has effect (E.W.) by virtue of S.I. 1984/245, **art. 2(c)** and (S.) by virtue of S.I. 1984/465, **art. 2(c)** as if for 10p there were substituted 30p
- s. 16(3)(c) has effect (27.1.1997) as if, for the sum of 10p specified, there were substituted (S.) the sum £5 by S.I. 1996/3273, **art. 2**
- S. 16(3)(c) has effect (E.W.) (27.1.1997) as if, for the sum specified, there were substituted (E.W.) the sum £5 by virtue of S.I. 1996/3208, **art. 2**
- S. 16(3)(c) has effect (28.5.1999) as if, for the sum specified, there were substituted the sum £15 by virtue of S.I. 1999/1259, **art. 2**
- S. 16(3)(c) has effect (14.1.2002) as if, for the sum specified, there were substituted the sum £25 by virtue of S.I. 2001/4034, **art. 2(b)**

#### Marginal Citations

**M10** 1968 c. 65.

**M11** 1968 c. 65.

## 17 **Restriction on grant and provisions as to duration and forfeiture of permits.** **E**

**+W+S**

- (1) No permit under section 16 above shall be granted in respect of any premises where a licence under the <sup>M12</sup>Gaming Act 1968 is for the time being in force in respect of them or where a club or a miners' welfare institute is for the time being registered in respect of them under Part II of that Act; and, where such a licence is granted or a club or a miners' welfare institute is so registered in respect of any premises, and a permit under section 16 above is then in force in respect of those premises, the permit shall thereupon cease to have effect.
- (2) The court by or before which the holder of a permit under section 16 above is convicted of an offence under that section in connection with the premises to which the permit relates may, if the court thinks fit, order that the permit shall be forfeited and cancelled.
- (3) An order under subsection (2) above shall be deemed for the purposes of any appeal to be part of the sentence for the offence; and the permit shall not be forfeited or cancelled under that order—
  - (a) until the date of expiry of the period within which notice of appeal against the conviction or sentence may be given, nor
  - (b) if notice of appeal against the conviction or sentence is duly given within that period, until the date of the determination or abandonment of the appeal.
- (4) Subsection (3) above shall not apply to Scotland, but the holder of a permit in respect of which an order under subsection (2) above is made by a court in Scotland may, without prejudice to any other form of appeal under any rule of law, appeal against the order in the same manner as against a conviction; and a permit shall not be forfeited or cancelled under an order so made—
  - (a) until the expiry of the period of 14 days commencing with the date on which the order was made, nor



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- (b) if an appeal against the order or the conviction which gave rise to it is taken within that period, until the date when that appeal is determined or abandoned or deemed to have been abandoned.

#### Marginal Citations

M12 1968 c. 65.

## PART IV **E+W+S**

### SUPPLEMENTARY

#### 18 Powers of Secretary of State as to monetary limits, fees etc. **E+W+S**

- (1) The Secretary of State may by order—
- <sup>F31</sup>(a) vary the sum specified in section 5(3B) or (3C) above;]
  - <sup>F32</sup>(b) vary any sum or percentage specified in section 11 above or prescribe the percentage referred to in subsection (16) of that section;]
  - (c) direct that any provision of section 16 above which is specified in the order and which specifies a sum shall have effect as if for that sum there were substituted such other sum as may be specified in the order;
  - (d) vary the fee payable under paragraph 3 or 9 of Schedule 1 below;
  - (e) prescribe the fees to be payable <sup>F33</sup>, or provide that no fees are to be payable, under paragraph 2, 6 or 10 of Schedule 1A below or paragraph 6A or 7 of Schedule 2 below]; <sup>F34</sup>and]
  - <sup>F35</sup>(ee) vary the sum specified in paragraph 13(1) of Schedule 1A below or paragraph 6D(1) of Schedule 2 below;
  - (eee) vary the fee payable under paragraph 1 of Schedule 2A below; and]
  - (f) vary the fee payable under paragraph 18 of Schedule 3 below, or provide that it shall cease to be payable.
- (2) An order made by virtue of <sup>F36</sup>subsection (1) above may make different provision for different cases or circumstances and an order made by virtue of paragraph (e) of that subsection] 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.

#### Textual Amendments

- F31** S. 18(1)(a) substituted (3.5.1994) by 1993 c. 39, s. 54(2); S.I. 1994/1055, art. 2  
**F32** S. 18(1)(b) substituted (3.5.1994) by 1993 c. 39, s. 54(3); S.I. 1994/1055, art. 2  
**F33** Words in s. 18(1)(e) substituted (3.5.1994) by 1993 c. 39, s. 54(4); S.I. 1994/1055, art. 2  
**F34** Word in s. 18(1)(e) repealed (3.5.1994) by 1993 c. 39, ss. 54(5), 64, Sch.10; S.I. 1994/1055, art. 2  
**F35** S. 18(1)(ee)(eee) inserted (3.5.1994) by 1993 c. 39, s. 54(5); S.I. 1994/1055, art. 2  
**F36** Words in s 18(2) substituted (3.5.1994) by 1993 c. 39, s. 54(6); S.I. 1994/1055, art. 2

#### Modifications etc. (not altering text)

- C8** Functions in s. 18(1)(d)(f) transferred (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, Sch. 1.

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## 19 Search warrants. **E+W+S**

If—

- (a) in England or Wales, a justice of the peace, or
- (b) in Scotland, a justice of the peace or sheriff,

is satisfied on information on oath that there is reasonable ground for suspecting that an offence under this Act is being, has been or is about to be committed on any premises, he may issue a warrant in writing authorising any constable to enter those premises, if necessary by force, [<sup>F37</sup>at any time within 14 days from the time of the issue of the warrant] and search them; and any constable who enters the premises under the authority of the warrant may—

- (a) seize and remove any document, money or valuable thing, instrument or other thing whatsoever found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of any such offence, and
- (b) arrest and search any person found on the premises whom he has reasonable cause to believe to be committing or to have committed any such offence.

### Textual Amendments

**F37** Words repealed (E.W.) by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(2), [Sch. 7 Pt. I](#)

### Modifications etc. (not altering text)

**C9** S. 19 powers of seizure extended (1.4.2003) by [Criminal Justice and Police Act 2001 \(c. 16\)](#), ss. 50, 138(2), [Sch. 1 para. 20](#) (with ss. 52-54, 68); S.I. 2003/708, art. 2(a)

**C10** S. 19 modified (1.4.2003) by [Criminal Justice and Police Act 2001 \(c. 16\)](#), ss. 55, 138(2), [Sch. 1 para. 97](#) (with ss. 57(3), 68); S.I. 2003/708, art. 2(a)

## 20 Penalties and forfeitures. **E+W+S**

- (1) A person guilty of an offence under 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 court by or before which a person is convicted of any offence under this Act may order anything produced to the court and shown to the satisfaction of the court to relate to the offence to be forfeited and either destroyed or dealt with in such other manner as the court may order.

## 21 Offences by bodies corporate. **E+W+S**

- (1) Where an offence under this Act 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 be liable to be proceeded against and punished accordingly.

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- (2) In subsection (1) above, except as it applies for the purposes of section 13 above, “director”, in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

## 22 Meaning of “private gain” in relation to proceeds of entertainments, lotteries and gaming promoted on behalf of certain societies. **E+W+S**

- (1) For the purposes of this Act proceeds of any entertainment, lottery or gaming promoted on behalf of a society to which this subsection extends which are applied for any purpose calculated to benefit the society as a whole shall not be held to be applied for purposes of private gain by reason only that their application for that purpose results in benefit to any person as an individual.
- (2) Subsection (1) above extends to any society which is established and conducted either—
- (a) wholly for purposes other than purposes of any commercial undertaking; or
  - (b) wholly or mainly for the purpose of participation in or support of athletic sports or athletic games.

## 23 Interpretation. **E+W+S**

- (1) In this Act, except where the context otherwise requires—
- “the Board” means the Gaming Board for Great Britain;
  - “contravention”, in relation to any requirement, includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly;
  - “date”, in relation to a lottery, means the date on which the winners in that lottery are ascertained;
  - “distribute”, in relation to documents or other matters, includes distribution to persons or places within or outside Great Britain, and “distribution” shall be construed accordingly;
  - [<sup>F38</sup>“employee” and “employment” have the [<sup>F39</sup>same meanings as in the Employment Rights Act 1996]]
  - “exempt entertainment” has the meaning assigned to it by section 3(1) above;
  - “gaming” has the same meaning as in the <sup>M13</sup>Gaming Act 1968;
  - “local authority” means—
    - (a) in England, a county council, . . . <sup>F40</sup>, 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 [<sup>F41</sup>county borough] council and a community council; and
    - (c) in Scotland, a [<sup>F42</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];
  - “local lottery” has the meaning assigned to it by section 6(1) above;
  - “money” includes a cheque, banknote, a postal order or money order;

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“newspaper” includes any journal, magazine or other periodical publication;

“premises” includes any place;

“printing” includes writing and other modes of reproducing words in a visible form;

“private lottery” has the meaning assigned to it by section 4(1) above;

[<sup>F43</sup>“registration authority” has the meaning given by paragraph 1 of Schedule 1 below]

“society” includes any 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;

“society’s lottery” has the meaning assigned to it by section 5(1) above;

“ticket”, in relation to any 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 society’s lottery or a local lottery includes a reference to the conduct of that lottery, and “promote” shall be construed accordingly.

#### Textual Amendments

- F38** Definitions of 'employee' and 'employment' inserted (21.12.1993) in s. 23(1) by 1993 c. 39, s. 55; S.I. 1993/2632, art. 3
- F39** Words in s. 23(1) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, Sch. 1 para. 9
- F40** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102(2), Sch. 17
- F41** Words in the definition in s. 23(1) substituted (1.4.1996) by 1994 c. 19, s. 66(6), Sch. 16 para. 50(1) (with Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2
- F42** Words in the definition in s. 23(1) substituted (1.4.1996) (S.) by 1994 c. 39, s. 180(1), Sch. 13 para. 104(2); S.I. 1996/323, art. 4(c)
- F43** Definition of 'registration authority' inserted (21.12.1993) in s. 23(1) by 1993 c. 39, s. 55; S.I. 1993/2632, art. 3

#### Marginal Citations

- M13** 1968 c. 65.

## 24 Orders and regulations. **E+W+S**

- (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 25(7) below, 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.

## 25 Citation, etc. **E+W+S**

- (1) This Act may be cited as the Lotteries and Amusements Act 1976.
- (2) The amendments specified in Schedule 4 to this Act shall have effect.
- (3) The enactments specified in Schedule 5 to this Act are repealed to the extent specified in column 3 of that Schedule.

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*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

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- (4) In so far as any instrument made or any other thing whatsoever done under any enactment repealed by this Act could have been made or done under a corresponding enactment in this Act, it shall not be invalidated by the repeal of that enactment but shall have effect as if made or done under that corresponding enactment; and for the purposes of this provision anything which under section 57(3) of the <sup>M14</sup>Betting, Gaming and Lotteries Act 1963 had effect as if done under any enactment in that Act shall, so far as may be necessary for the continuity of the law, be treated as done under the corresponding enactment in this Act.
- (5) Any enactment or other document referring to an enactment repealed by this Act or by the <sup>M15</sup>Betting, Gaming and Lotteries Act 1963 shall, so far as may be necessary for preserving its effect, be construed as referring, or as including a reference, to the corresponding enactment in this Act.
- (6) Nothing in this Act shall affect the operation of the <sup>M16</sup>Art Unions Act 1846, and a lottery promoted and conducted in accordance with that Act shall not be unlawful.
- (7) Where any provision contained in any local Act passed before the <sup>M17</sup>Betting and Gaming Act 1960 appears to the Secretary of State to have been superseded by, or to be inconsistent with, section 15 or 16 above, the Secretary of State may by order, a draft of which shall be laid before Parliament, specify that provision for the purposes of this subsection; and, without prejudice to the operation of any rule of law relating to the effect on any such provision of the relevant enactment in the said Act of 1960, any provision so specified is hereby repealed as from the date of the making of the order.
- (8) Section 254(2)(c) of the <sup>M18</sup>Local Government Act 1972 (power of Secretary of State to amend, etc., enactments by order) shall apply to this Act as if it had been passed before 1st April 1974.
- (9) This Act shall come into force immediately after the coming into force of the <sup>M19</sup>Lotteries Act 1975, or, if the provisions of that Act come into force on different dates, immediately after the coming into force of the last of them; but
- (a) nothing in this subsection shall be taken as prejudicing the exercise, by virtue of section 37 of the <sup>M20</sup>Interpretation Act 1889 (exercise of statutory powers between passing and commencing of Act) of any powers under the Lotteries Act 1975 or this Act in respect of the registration of schemes for societies' lotteries or local lotteries; and
- (b) nothing in this Act shall be taken as prejudicing the operation of section 38 of that Act (which relates to the effect of repeals).
- (10) This Act does not extend to Northern Ireland.

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**Modifications etc. (not altering text)**

- C11** The text of s. 25(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
- C12** The text of s. 25(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
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**Marginal Citations**

- M14** 1963 c. 2.  
**M15** 1963 c. 2.  
**M16** 1846 c. 48.

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**Status:** Point in time view as at 01/04/2004. This version of this Act contains provisions that are prospective.

**Changes to legislation:** There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)

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**M17** 1960 c. 60.

**M18** 1972 c. 70.

**M19** 1975 c. 58.

**M20** 1889 c. 63.

*Status: Point in time view as at 01/04/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1 **E+W+S**

Section 5.

#### [<sup>F44</sup>REGISTRATION OF SOCIETIES BY LOCAL AUTHORITIES]

##### Textual Amendments

**F44** Heading to Sch. 1 substituted (3.5.1994) by 1993 c. 39, s. 48(5), **Sch. 7 Pt. I para. 9**; S.I. 1994/1055, **art. 2**

##### Modifications etc. (not altering text)

**C13** **Sch. 1**: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, **reg. 2(1)**, **Sch. 1** Table B(10)

### PART I **E+W+S**

#### REGISTRATION

1 <sup>F45</sup>(1) .....

- (2) [<sup>F46</sup>In this Act]“registration authority”, in relation to any society, means—
- (a) in England, a London borough council, a district council, the Common Council of the City of London, or the Council of the Isles of Scilly;
  - (b) in Wales, a [<sup>F47</sup>county council or county borough]council;
  - (c) in Scotland, [<sup>F48</sup>a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994],

being the authority within whose area the office or head office of the society is situated.

##### Textual Amendments

**F45** **Sch. 1 para. 1(1)** repealed (3.5.1994) by 1993 c. 39, ss. 48(5), 64, **Sch. 7, Pt. I para. 2(a)**, **Sch. 10**; S.I. 1994/1055, **art. 2**

**F46** Words in **Sch. 1 para. 1(2)** substituted (3.5.1994) by 1993 c. 39, s. 48(5), **Sch. 7 Pt. I para. 2(b)**; S.I. 1994/1055, **art. 2**

**F47** Words in **Sch. 1 para. 1(2)(b)** substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 50(2)** (with **Sch. 17 paras. 22(1), 23(2)**); S.I. 1996/396, **art. 4**, **Sch. 2**

**F48** Words in **Sch. 1 para. 1(2)(c)** substituted (1.4.1996) (S.) by 1994 c. 39, s. 180(1), **Sch. 13 para. 104(3)**; S.I. 1996/323, **art. 2**

2 [<sup>F49</sup>An application to the registration authority for the registration of a society] shall specify the purposes for which the society is established and conducted.

*Status: Point in time view as at 01/04/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

#### Textual Amendments

**F49** Words in **Sch. 1 para. 1(2)** substituted (3.5.1994) by **1993 c. 39, s. 48(5), Sch. 7 Pt. I para. 3; S.I. 1994/1055, art. 2**

- 3 Subject to the provisions of this Schedule, upon application being duly made on behalf of a society and upon payment of a fee of [<sup>F50</sup>£35], the registration authority shall register the society in a register to be kept for the purposes of section 5 above and notify the society in writing that they have done so.

#### Textual Amendments

**F50** Fee in **Sch. 1 para. 3** substituted (E.W.) (2.12.1991) by **S.I. 1991/2178, art. 2** and (S.) (2.12.1991) by **S.I. 1991/2498, art.2**

- [<sup>F51</sup>3A (1) The registration authority shall refuse or revoke the registration of the society under this Part of this Schedule if the Board have refused or revoked the registration of the society under Schedule 1A below within the last five years.
- (2) Sub-paragraph (1) above does not apply where the ground for the Board's refusal or revocation was that specified in paragraph 3(2)(e) of Schedule 1A below.
- (3) Where the registration authority refuse or revoke the registration of a society under sub-paragraph (1) above, they shall notify the society in writing that they have done so.]

#### Textual Amendments

**F51** **Sch. 1 para. 3A** inserted (3.5.1994) by **1993 c. 39, s. 48(5), Sch. 7 Pt. I, para.4; S.I. 1994/1055, art. 2**

- 4 (1) The registration authority may, after giving the society an opportunity of being heard, refuse or revoke the registration of the society under this Part of this Schedule if it appears to the authority—
- [<sup>F52</sup>(a) that any person who is or will be a person connected with a lottery promoted or proposed to be promoted on behalf of the society has been convicted of an offence to which this paragraph applies; or]
- (b) that the society does not satisfy or has ceased to satisfy the conditions specified in section 5(1) above [<sup>F53</sup>; or
- (c) that any information given by the society to the authority in or in connection with the society's application for registration was false in a material particular.]
- (2) This paragraph applies to any of the following offences, namely—
- (a) an offence under section 2 or 13 above;
- (b) an offence under paragraph 14 below [<sup>F54</sup>paragraph 14 of Schedule 1A below, paragraph 8 or 9 of Schedule 2 below, paragraph 12 of Schedule 2A below] or paragraph 12 of Schedule 7 to the <sup>M21</sup>Betting, Gaming and Lotteries Act 1963;
- (c) an offence under section 42 or 45 of that Act; and
- (d) an offence involving fraud or dishonesty.



*Status: Point in time view as at 01/04/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

- [<sup>F55</sup>(3) For the purposes of sub-paragraph (1)(a) above, a person connected with a lottery is a person who is or has been—
- (a) involved in the promotion of the lottery; or
  - (b) employed for reward in connection with the promotion of any other lottery on behalf of the same society.]

#### Textual Amendments

- F52** Sch. 1 para. 4(1)(a) substituted (3.5.1994) by 1993 c. 39, s. 48(5), **Sch. 7 Pt. I para. 5(1)(a)**  
**F53** Sch. 1 para. 4(1)(c) and word immediately preceding it substituted (3.5.1994) by 1993 c. 39, s. 48(5), **Sch. 7 Pt. I para. 5(1)(b)**; S.I. 1994/1055, **art. 2**  
**F54** Words in Sch. 1 para. 4(2) inserted (3.5.1994) by 1993 c. 39, ss. 48(5), **Sch. 7 Pt. I para. 5(1)(c)**  
**F55** Sch. 1 para. 4(3) added (3.5.1994) by 1993 c. 39, s. 48(5), **Sch. 7 Pt. I para. 5(1)(d)**; S.I. 1994/1055, **art. 2**

#### Marginal Citations

- M21** 1963 c. 2.

- [<sup>F56</sup>4A The registration authority may, after giving the society an opportunity of being heard, revoke the registration of the society under this Part of this Schedule if it appears to the authority that the society has failed to comply with a requirement imposed on it under paragraph 16 below.]

#### Textual Amendments

- F56** Sch. 1 para. 4A inserted (3.5.1994) by 1993 c. 39, s. 48(5), **Sch. 7 Pt. I para. 5(2)**; S.I. 1994/1055, **art. 2**

- 5 Where the registration of any society has been refused or revoked under [<sup>F57</sup>paragraph 4 or 4A] above by a registration authority in England or Wales, that authority shall forthwith notify the society of the refusal or revocation and the society may appeal to the Crown Court, and any such appeal shall be commenced by giving notice to the appropriate officer of the Crown Court and to the registration authority within 21 days of the day on which notice of the refusal or revocation is given to the society.

#### Textual Amendments

- F57** Words in Sch. 1 paras. 5, 6 and 7 substituted (3.5.1994) by 1993 c. 39, s. 48(5), **Sch. 7 Pt. I para. 6**; S.I. 1994/1055, **art. 2**

- 6 Where the registration of any society has been refused or revoked under [<sup>F58</sup>paragraph 4 or 4A] of this Schedule by a registration authority in Scotland, that authority shall forthwith notify the society of the refusal or revocation, and the society may appeal, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by act of sederunt, to the sheriff having jurisdiction in the registration authority's area, and on any such appeal the decision of the sheriff shall be final and may include such order as to the expenses of the appeal as he thinks proper.

*Status: Point in time view as at 01/04/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the  
 Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

#### Textual Amendments

**F58** Words in [Sch. 1 paras. 5, 6 and 7](#) substituted (3.5.1994) by [1993 c. 39, s. 48\(5\)](#), [Sch. 7 Pt. I para. 6](#); [S.I. 1994/1055, art. 2](#)

- 7 Where the registration authority revoke a registration under [<sup>F59</sup>paragraph 4 or 4A] above, then, until the time within which notice of appeal under paragraph 5 or 6 above may be given has expired and, if such notice is duly given, until the determination or abandonment of the appeal, the registration shall be deemed to continue in force, and if the Crown Court or, as the case may be, the sheriff confirms the decision of the registration authority, the Court or the sheriff may, if it or he thinks fit, order that the registration shall continue in force for a further period not exceeding two months from the date of the order.

#### Textual Amendments

**F59** Words in [Sch. 1 paras. 5, 6 and 7](#) substituted (3.5.1994) by [1993 c. 39, s. 48\(5\)](#) [Sch. 7 Pt. I para.6](#); [S.I. 1994/1055, art. 2](#)

- 8 A society which is for the time being registered under this Part of this Schedule may at any time apply to the registration authority for the cancellation of the registration; and in any such case the authority shall cancel the registration accordingly.
- 9 Every society which is registered under this Part of this Schedule shall pay to the registration authority on 1st January in each year while it is registered a fee of [<sup>F60</sup>£17.50], and any such fee which remains unpaid after the date on which it becomes payable may be recovered by the authority as a debt.

#### Textual Amendments

**F60** Fee in [Sch. 1 para. 9](#) substituted (E.W.) (2.12.1991) by [S.I. 1991/2178, art. 3](#) and (S.) (2.12.1991) by [S.I. 1991/2498, art.3](#)

- 10 Subject to the provisions of this Schedule, the registration of any society under Schedule 7 to the <sup>M22</sup>Betting, Gaming and Lotteries Act 1963 shall have effect as registration under this Schedule.

#### Marginal Citations

**M22** [1963 c. 2.](#)

## PART II E+W+S

### RETURNS

PROSPECTIVE

*Status: Point in time view as at 01/04/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

#### Textual Amendments

**F61** Act repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), ss. 356(3), 358(1), [Sch. 17](#) (with ss. 352, 354); S.I. 2006/3272, art. 5 (with arts. 7-12, [Sch. 4](#))

- 12 Paragraph 11 above shall not apply to a society's lottery [<sup>F62</sup>if on the date of the lottery the society was registered with the Board under Schedule 1A below.]

#### Textual Amendments

**F62** Words in [Sch. 1 para. 12](#) substituted (3.5.1994) by [1993 c. 39, s. 48\(5\)](#), [Sch. 7 Pt. I para. 8](#); S.I. 1994/1055, [art. 2](#)

- 13 The registration authority shall preserve any return sent to them under paragraph 11 above for a period of at least 18 months, and during that period shall keep it deposited at their office and permit any member of the public to inspect it during office hours free of charge.
- 14 Any person who fails to send a return in accordance with the provisions of this Part of this Schedule, or who knowingly gives in any such return sent by him any information which is false in a material particular, or who certifies any such return knowing it to contain such information, shall be guilty of an offence.
- [<sup>F63</sup>15 (1) Where it appears to the registration authority that section 5(3C) above applies to a lottery in respect of which a return has been sent to them under paragraph 11 above, they shall notify the Board in writing of that fact.
- (2) The notification shall have attached to it a copy of the return and of all other returns sent to the registration authority in respect of the earlier lotteries mentioned in section 5(3C)(b) above.]

#### Textual Amendments

**F63** [Sch. 1 paras. 15, 16](#) added (3.5.1994) by [1993 c. 39, s. 48\(5\)](#), [Sch. 7 Pt. I para. 9](#); S.I. 1994/1055, [art. 2](#)

- [<sup>F64</sup>16 The registration authority may require a society that is registered under this Part of this Schedule—
- (a) to allow the authority to inspect and take copies of any documents of the society, including any information kept by the society otherwise than in writing, relating to any lottery promoted on behalf of the society; and
- (b) where such information is kept by means of a computer, to give the authority such assistance as they may require to enable them to inspect and take copies of the information in a visible and legible form and to inspect and check the operation of any computer, and any associated apparatus or material, that is or has been in use in connection with the keeping of the information.]

#### Textual Amendments

**F64** [Sch. 1 paras. 15, 16](#) added (3.5.1994) by [1993 c. 39, s. 48\(5\)](#), [Sch. 7 Pt. I para. 9](#); S.I. 1994/1055, [art. 2](#)

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*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

## [<sup>F65</sup>SCHEDULE 1A E+W+S

### REGISTRATION OF SOCIETIES BY THE GAMING BOARD

#### Textual Amendments

**F65** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), Sch. 7 Pt.II; S.I. 1994/1055, art. 2

## [<sup>F66</sup>PART I E+W+S

### REGISTRATION

#### Textual Amendments

**F66** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), Sch. 7 Pt.II; S.I. 1994/1055, art. 2

- <sup>F67</sup><sub>1</sub> An application to the Board for the registration of a society shall—
- (a) specify the address of the office or head office of the society,
  - (b) specify the purposes for which the society is established and conducted, and
  - (c) have attached to it a copy of any scheme approved by the society under section 5(3)(c) above.

#### Textual Amendments

**F67** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), Sch. 7 Pt.II; S.I. 1994/1055, art. 2

- <sup>F68</sup><sub>2</sub> (1) Subject to the provisions of this Schedule, upon application being duly made on behalf of a society and upon payment of a prescribed fee, the Board shall register the society in a register to be kept for the purposes of section 5 above and notify the society in writing that they have done so.
- (2) Any fees received by the Board by virtue of this paragraph shall be paid into the Consolidated Fund.

#### Textual Amendments

**F68** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), Sch. 7 Pt.II; S.I. 1994/1055, art. 2

- <sup>F69</sup><sub>3</sub> (1) The Board shall refuse or revoke the registration of a society under this Schedule if any scheme attached to its application for registration, or any other scheme subsequently approved by the society under section 5(3)(c) above, is contrary to law.
- (2) The Board may refuse or revoke the registration of a society under this Schedule if it appears to the Board—
- (a) that the ground specified in paragraph 4(1)(a) or (b) of Schedule 1 above applies;
  - (b) that any information given by the society to the Board in or in connection with the society's application for registration was false in a material particular;

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- (c) 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 society that is established for the same or a connected purpose and is registered under this Schedule;
  - (d) that any lottery promoted on behalf of the society within the last five years has not been properly conducted;
  - (e) that any fees payable by the society under this Act have not been paid;
  - (f) that the society has failed to comply with a requirement imposed on it under paragraph 12 below; or
  - (g) that an act or omission of a person who is or will be a person connected with a lottery promoted or proposed to be promoted on behalf of the society was a cause—
    - (i) of the registration of another society being refused or revoked on the ground specified in paragraph (b) or (f) above or under sub-paragraph (5) below;
    - (i) of the registration of a scheme being refused or revoked on a ground specified in paragraph 3(1)(e) or 4(2)(c) of Schedule 2 below; or
    - (iii) of a relevant lottery, in the promotion of which the person was involved, not being properly conducted.
- (3) In considering whether sub-paragraph (2)(g) above applies, the Board shall disregard any act or omission that occurred more than five years previously.
- (4) For the purposes of sub-paragraph (2)(g) above—
- (a) a person connected with a lottery is a person who is or has been—
    - (i) involved in the promotion of the lottery; or
    - (ii) employed for reward in connection with the promotion of any other lottery on behalf of the same society; and
  - (b) “relevant lottery”, in relation to a society and a person, means a lottery promoted—
    - (i) on behalf of another society that at the time of the person’s involvement with the promotion of the lottery was registered with the Board; or
    - (ii) under a scheme that at the time of the person’s involvement with the promotion of the lottery was registered with the Board.
- (5) The Board may revoke the registration of a society under this Schedule if it appears to the Board that the society has failed to comply with a requirement imposed on it by or under paragraph 7, 8, 9, 11 or 13 below.
- (6) The Board shall not refuse or revoke the registration of a society without giving the society an opportunity of being heard.
- (7) Where the Board refuse or revoke the registration of a society, they shall notify the society and, except in the case of a refusal or revocation on the ground specified in sub-paragraph (2)(e) above, the registration authority in writing of the refusal or revocation and the ground for it.
- (8) The revocation of the registration of a society under this Schedule shall not have effect in relation to any lottery in respect of which any tickets or chances have already been sold at the date of revocation.

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**Textual Amendments**

**F69** Sch. 1A inserted (3.5.1994) by 1993 c. 39, ss. 48(6), 65, Sch. 7 Pt.II; S.I. 1994/1055, art. 2

- <sup>F70</sup>4 (1) The Secretary of State may direct the Board—
- (a) to register under this Schedule any society that they have refused to register on any ground mentioned in paragraph 3(2) above; or
  - (b) to restore any registration that the Board have revoked on any ground mentioned in paragraph 3(2) or (5) above;
- and the Board shall give effect to any such direction.
- (2) The Board shall notify the society and the registration authority in writing of any direction that has been given to the Board under sub-paragraph (1) above.
- (3) The restoration of any registration under sub-paragraph (1) above shall have effect from the date of revocation or such later date as may be specified in the direction.

**Textual Amendments**

**F70** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), Sch. 7 Pt.II; S.I. 1994/1055, art. 2

- <sup>F71</sup>5 The Board shall cancel the registration of a society under this Schedule if the society requests them to do so.

**Textual Amendments**

**F71** Sch. 1A inserted (3.5.1994) by 1993 c. 39, ss. 48(6), 65, Sch. 7 Pt.II

- <sup>F72</sup>6 (1) A society that is registered under this Schedule shall pay to the Board—
- (a) a prescribed fee at such intervals whilst the society is so registered as the Secretary of State may by order direct; and
  - (b) a prescribed fee for each society's lottery promoted on behalf of the society whilst it is so registered.
- (2) Any fees received by the Board by virtue of this paragraph shall be paid into the Consolidated Fund.

**Textual Amendments**

**F72** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), Sch. 7 Pt.II; S.I. 1994/1055, art. 2

<sup>F73</sup>**PART II** **E+W+S**

INFORMATION

**Textual Amendments**

**F73** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), Sch. 7 Pt. II; S.I. 1994/1055, art. 2

*Status: Point in time view as at 01/04/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

- <sup>F74</sup>7 A society registered under this Schedule shall notify the Board in writing of any change in the address of the society's office or head office within the period of twenty-one days beginning with the day on which the change takes effect.

**Textual Amendments**

**F74** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), Sch. 7 Pt. II; S.I. 1994/1055, art. 2

- <sup>F75</sup>8 (1) A society registered under this Schedule shall notify the Board in writing of any modification of a scheme approved by the society under section 5(3)(c) above.
- (2) A copy of the scheme as modified shall be attached to the notification.
- (3) The notification shall be given to the Board at least four weeks before any tickets or chances in a lottery promoted in accordance with the scheme as modified are sold, distributed or offered for sale.
- (4) In this paragraph references to the modification of a scheme include the substitution for that scheme of another scheme (and references to the scheme as modified are to be read accordingly).

**Textual Amendments**

**F75** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), Sch. 7 Pt. II; S.I. 1994/1055, art. 2

- <sup>F76</sup>9 (1) Where a society is registered under this Schedule on the date of a society's lottery promoted on its behalf, it shall, before the end of the period of three months beginning with that date, send a return in respect of the lottery to the Board.
- (2) The return shall be in such form and contain such information as the Board may direct.
- (3) A direction under sub-paragraph (2) above shall be given in writing and may be varied or revoked by a subsequent direction.

**Textual Amendments**

**F76** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), Sch. 7 Pt. II; S.I. 1994/1055, art. 2

- <sup>F77</sup>10 (1) The Board shall preserve any return sent to them under paragraph 9 above for a period of at least eighteen months, and during that period shall keep it deposited at their office and permit any member of the public to inspect it during office hours on payment of a prescribed fee.
- (2) Any fees received by the Board by virtue of this paragraph shall be paid into the Consolidated Fund.

**Textual Amendments**

**F77** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), Sch. 7 Pt. II; S.I. 1994/1055, art. 2

- <sup>F78</sup>11 (1) A society registered under this Schedule shall preserve all documents of the society, including all information kept by the society otherwise than in writing, relating to

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a lottery promoted on the society's behalf until the end of the period of two years beginning with the date of the lottery.

- (2) The Board may direct that, subject to such conditions as may be specified in the direction, sub-paragraph (1) above shall not apply to documents or information specified, or of a description specified, in the direction.
- (3) A direction under sub-paragraph (2) above shall be given in writing and may be varied or revoked by a subsequent direction.

#### Textual Amendments

**F78** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), Sch. 7 Pt. II; S.I. 1994/1055, art. 2

<sup>F79</sup>12 The Board may require a society that is registered or has applied to be registered under this Schedule—

- (a) to provide the Board with such information relating to any lottery promoted or to be promoted on behalf of the society as they may require;
- (b) to allow the Board to inspect and take copies of any documents of the society, including any information kept by the society otherwise than in writing, relating to such a lottery;
- (c) where such information is kept by means of a computer, to give the Board such assistance as they may require to enable them to inspect and take copies of the information in a visible and legible form and to inspect and check the operation of any computer, and any associated apparatus or material, that is or has been in use in connection with the keeping of the information;
- (d) to allow the Board to inspect any aspect of the management of such a lottery.

#### Textual Amendments

**F79** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), Sch. 7 Pt. II; S.I. 1994/1055, art. 2

<sup>F80</sup>13 (1) Subject to sub-paragraph (10) below, where the total value of the tickets or chances sold in all lotteries held in any one year and promoted on behalf of the same society is more than £100,000 and any of those lotteries is a lottery to which section 5(3B), (3C) or (3D) above applies, the society shall send to the Board accounts in respect of those lotteries together with a report on the accounts prepared by a qualifying auditor.

- (2) The accounts shall be sent to the Board within ten months of the end of the year in which the lotteries to which they relate were held.
- (3) Accounts under this paragraph shall comply with any directions given by the Board as to the information to be contained in such accounts, the manner in which such information is to be presented or the methods and principles according to which such accounts are to be prepared.
- (4) Any directions under sub-paragraph (3) above shall be given in writing and may be varied or revoked by subsequent directions.
- (5) In sub-paragraph (1) above “qualifying auditor” means a person who—



*Status: Point in time view as at 01/04/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

- (a) is eligible for appointment as a company auditor under section 25 of the <sup>M23</sup>Companies Act 1989; and
  - (b) is not disqualified by sub-paragraph (6) below.
- (6) The following persons are disqualified—
- (a) a member of the society;
  - (b) a partner, officer or employee of such a member;
  - (c) a partnership of which a person disqualified by paragraph (a) or (b) above is a member.
- (7) The auditor’s report on any accounts under this paragraph shall state whether in the auditor’s opinion the accounts have been properly prepared in accordance with any directions given under sub-paragraph (3) above.
- (8) The auditor shall, in preparing his report, carry out such investigations as will enable him to form an opinion as to—
- (a) whether proper accounting records have been kept by the society; and
  - (b) whether the society’s accounts are in agreement with the accounting records.
- (9) If the auditor fails to obtain all the information and explanations that, to the best of his knowledge and belief, are necessary for the purposes of his audit, his report shall state that fact.
- (10) Sub-paragraph (1) above does not apply to a society in relation to any year if the promotion of every lottery promoted on behalf of the society held in that year is managed by a person certified under Schedule 2A below as a lottery manager.
- (11) For the purposes of this paragraph a lottery is held in the year in which the date of the lottery falls.
- (12) In this paragraph “year” means a period of twelve months beginning with 1st January.

**Textual Amendments**

**F80** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), Sch. 7 Pt. II; S.I. 1994/1055, art. 2

**Marginal Citations**

**M23** 1989 c. 40.

- <sup>F81</sup>14 (1) Any person who, in pursuance of a requirement imposed by or under paragraph 7, 9, 12 or 13 above, knowingly or recklessly gives to the Board any information which is false in a material particular shall be guilty of an offence.
- (2) Any person who knowingly or recklessly includes in a report under paragraph 13 above any information which is false in a material particular shall be guilty of an offence.]

**Textual Amendments**

**F81** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), Sch. 7 Pt. II; S.I. 1994/1055, art. 2

*Status: Point in time view as at 01/04/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

SCHEDULE 2 **E+W+S**

Section 9.

REGISTRATION OF SCHEMES

1 A local authority shall submit to the Board any scheme approved by the authority under section 6(2)(b) above.

<sup>F82</sup>2 .....

**Textual Amendments**

**F82** Sch. 2 para. 2 repealed (3.5.1994) by 1993 c. 39, s. 49(4), Sch. 8 para. 1, **Sch.10**; S.I. 1994/1055, **art. 2**

3 (1) The Board shall register a scheme submitted to them under this Schedule [<sup>F83</sup>, and notify the local authority in writing that they have done so,] unless—

- [<sup>F84</sup>(a) .....
- (b) the scheme is contrary to law; or
- (c) except where the Secretary of State otherwise directs, the Board is not satisfied either—
  - (i) that all lotteries promoted by or on behalf of the [<sup>F85</sup>local authority] within the last five years have been properly conducted; or
  - (ii) that all fees payable [<sup>F86</sup>by the local authority] under this Act have been paid; or
  - [<sup>F87</sup>(iii) that all the requirements of the Board under paragraph 6 below have been complied with; or]
- (d) except where the Secretary of State otherwise directs, it appears to the Board that an unsuitable person will be [<sup>F88</sup>a person connected with] a lottery under the scheme [<sup>F89</sup>; or
- (e) except where the Secretary of State otherwise directs, it appears to the Board that the local authority—
  - (i) have given to the Board in or in connection with the authority’s application for registration of the scheme any information which was false in a material particular; or
  - (ii) have failed to comply with a requirement imposed on them under paragraph 6C below; or
- (f) except where the Secretary of State otherwise directs, it appears to the Board that an act or omission of a person who will be a person connected with a lottery under the scheme was a cause—
  - (i) of the registration of another scheme being refused or revoked on a ground specified in paragraph (e) above or paragraph 4(2)(c) below;
  - (ii) of the registration of a society being refused or revoked on the ground specified in paragraph 3(2)(b) or (f) of Schedule 1A above or under paragraph 3(5) of that Schedule; or
  - (iii) of a relevant lottery, in the promotion of which that person was involved, not being properly conducted.]

[<sup>F90</sup>(1A) In considering whether sub-paragraph (1)(f) above applies, the Board shall disregard any act or omission that occurred more than five years previously.

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*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

- (1B) Where a scheme submitted to the Board under this Schedule is not registered by them, the Board shall notify the local authority concerned in writing of that fact and the reason for it]
- (2) In this paragraph and in paragraph 4 below “unsuitable person” means a person who has been convicted of—
- (a) an offence under section 2 or 13 above;
  - (b) an offence under paragraph 14 of Schedule 1 above [<sup>F91</sup>, paragraph 14 of Schedule 1A above, paragraph 8 or 9 below, paragraph 12 of Schedule 2A below] or paragraph 12 of Schedule 7 to the <sup>M24</sup>Betting, Gaming and Lotteries Act 1963;
  - (c) an offence under section 42 or 45 of that Act; or
  - (d) an offence involving fraud or dishonesty;
- [<sup>F92</sup>(3) For the purposes of this paragraph and paragraph 4 below—
- (a) a person connected with a lottery is a person who is or has been—
    - (i) involved in the promotion of the lottery; or
    - (ii) employed for reward in connection with the promotion of any other lottery under the same scheme; and
  - (b) “relevant lottery”, in relation to a scheme and a person, means a lottery promoted—
    - (i) under another scheme that at the time of the person’s involvement with the promotion of the lottery was registered with the Board; or
    - (ii) on behalf of a society that at the time of the person’s involvement with the promotion of the lottery was registered with the Board.]

#### Textual Amendments

- F83** Words in Sch. 2 para. 3(1) inserted (3.5.1994) by 1993 c. 39, s. 49(4), **Sch. 8 para. 2(1)(a)**; S.I. 1994/1055, **art. 2**
- F84** Sch. 2 para. 3(1)(a) repealed (3.5.1994) by 1993 c. 39, ss. 49(4), 64, Sch. 8 para. 2(1)(b), **Sch.10**
- F85** Words in Sch. 2 para. 3(1)(c)(i) substituted (3.5.1994) by 1993 c. 39, s. 49(4), **Sch. 8 para. 2(1)(c)**
- F86** Words in Sch. 2 para. 3(1)(c)(ii) inserted (3.5.1994) by 1993 c. 39, s. 49(4), **Sch. 8 para. 2(1)(d)**; S.I. 1994/1055, **art. 2**
- F87** Sch. 2 para. 3(1)(c)(iii) repealed (3.5.1994) by 1993 c. 39, ss. 49(4), 64, Sch. 8 para. 2(1)(e), **Sch.10**
- F88** Words in Sch. 2 para. 3(1)(d) substituted (3.5.1994) by 1993 c. 39, s. 49(4), **Sch. 8 para. 2(1)(f)**; S.I. 1994/1055, **art. 2**
- F89** Words in Sch. 2 para. 3(1) inserted (3.5.1994) by 1993 c. 39, s. 49(4), **Sch. 8 para. 2(1)(g)**; S.I. 1994/1055, **art. 2**
- F90** Sch. 2 para. 3(1A)(1B) inserted (3.5.1994) by 1993 c. 39, s. 49(4), **Sch. 8 para. 2(2)**
- F91** Words in Sch. 2 para. 3(2) inserted (3.5.1994) by 1993 c. 39, s. 49(4), **Sch. 8 para. 2(3)**; S.I. 1994/1055, **art. 2**
- F92** Sch. 2 para. 3(3) inserted (3.5.1994) by 1993 c. 39, s. 49(4), **Sch. 8 para. 2(4)**; S.I. 1994/1055, **art. 2**

#### Marginal Citations

- M24** 1963 c. 2.

- 4 [<sup>F93</sup>(1) The Board shall revoke the registration of a scheme if it comes to their attention that the scheme has become, or has always been, contrary to law.
- (2) The Board may revoke the registration of a scheme—

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- (a) on any of the grounds (c), (d) or (e) specified in paragraph 3(1) above;
  - (b) if it appears to them that an unsuitable person is a person connected with any lottery under the scheme;
  - (c) if it appears to them that the local authority have failed to comply with a requirement imposed on them by or under paragraph 5A, 6, 6B, 6C or 6D below; or
  - (d) if it appears to them that an act or omission of a person who is or will be a person connected with a lottery under the scheme was a cause—
    - (i) of the registration of another scheme being refused or revoked on a ground specified in paragraph 3(1)(e) or paragraph (c) above;
    - (ii) of the registration of a society being refused or revoked on the ground specified in paragraph 3(2)(b) or (f) of Schedule 1A above or under paragraph 3(5) of that Schedule; or
    - (iii) of a relevant lottery, in the promotion of which that person was involved, not being properly conducted.
- (2A) In considering whether sub-paragraph (2)(d) above applies, the Board shall disregard any act or omission that occurred more than five years previously.]
- (3) The revocation of the registration of any scheme under this paragraph shall not have effect in relation to any lottery in respect of which any tickets or chances have already been sold at the date of revocation.

#### Textual Amendments

**F93** Sch. 2 paras. 4(1)(2)(2A) substituted (3.5.1994) for paras. 4(1)(2) by 1993 c. 39, s. 49(4), **Sch. 8 para. 3**; S.I. 1994/1055, **art. 2**

- [<sup>F94</sup>4A Where the Board revoke the registration of a scheme, they shall notify the local authority in writing of the revocation and of the ground for it.]

#### Textual Amendments

**F94** Sch. 2 paras. 4A, 4B inserted (3.5.1994) by 1993 c. 39, s. 49(4), **Sch. 8 para. 4**

- [<sup>F95</sup>4B The Board shall cancel the registration of a scheme if the local authority request them to do so.]

#### Textual Amendments

**F95** Sch. 2 paras. 4A, 4B inserted (3.5.1994) by 1993 c. 39, s. 49(4), **Sch. 8 para. 4**

- 5 [<sup>F96</sup>(1) The Secretary of State may direct the Board to restore any registration that has been revoked under paragraph 4(2) above, and the Board shall give effect to any such direction.
- (1A) The Board shall notify a local authority in writing of any direction that has been given to the Board under sub-paragraph (1) above in relation to a scheme approved by the authority under section 6(2)(b) above.]
- (2) The restoration of any registration under sub-paragraph (1) above shall have effect from the date of revocation or such later date as may be specified in the direction.

*Status: Point in time view as at 01/04/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

#### Textual Amendments

**F96** Sch. 2 para. 5(1)(1A) substituted (3.5.1994) for para. 5(1) by 1993 c. 39, s. 49(4), Sch. 8 para.5

<sup>F97</sup>5A (1) A local authority shall notify the Board in writing of any modification of a scheme approved by the authority under section 6(2)(b) above and registered under this Schedule.

(2) A copy of the scheme as modified shall be attached to the notification.

(3) The notification shall be given to the Board at least four weeks before any tickets or chances in a lottery promoted in accordance with the scheme as modified are sold, distributed or offered for sale.]

#### Textual Amendments

**F97** Sch. 2 para. 5A inserted (3.5.1994) by 1993 c. 39, s. 49(4), Sch. 8 para. 6

<sup>F98</sup>6 (1) A local authority shall, before the end of the period of three months beginning with the date of any local lottery promoted by them, send a return in respect of the lottery to the Board.

(2) The return shall be in such form and contain such information as the Board may direct.

(3) A direction under sub-paragraph (2) above shall be given in writing and may be varied or revoked by a subsequent direction.]

#### Textual Amendments

**F98** Sch. 2 paras. 6, 6A, 6B, 6C, 6D substituted (3.5.1994) for para. 6 by 1993 c. 39, s. 49(4), Sch. 8 para.7; S.I. 1994/1055, art. 2

<sup>F99</sup>6A (1) The Board shall preserve any return sent to them under paragraph 6 above for a period of at least eighteen months, and during that period shall keep it deposited at their office and permit any member of the public to inspect it during office hours on payment of a prescribed fee.

(2) Any fees received by the Board by virtue of this paragraph shall be paid into the Consolidated Fund.

#### Textual Amendments

**F99** Sch. 2 paras. 6, 6A, 6B, 6C, 6D substituted (3.5.1994) for para. 6 by 1993 c. 39, s. 49(4), Sch. 8 para.7; S.I. 1994/1055, art. 2

<sup>F100</sup>6B (1) A local authority shall preserve all documents of theirs, including all information kept by them otherwise than in writing, relating to a local lottery promoted by them until the end of the period of two years beginning with the date of the lottery.

(2) The Board may direct that, subject to such conditions as may be specified in the direction, sub-paragraph (1) above shall not apply to documents or information specified, or of a description specified, in the direction.

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*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

- (3) A direction under sub-paragraph (2) above shall be given in writing and may be varied or revoked by a subsequent direction.

#### Textual Amendments

**F100** Sch. 2 paras. 6, 6A, 6B, 6C, 6D substituted (3.5.1994) for para. 6 by 1993 c. 39, s. 49(4), Sch. 8 para. 7; S.I. 1994/1055, art. 2

- F101**6C The Board may require a local authority—
- (a) to provide the Board with such information as they may require relating to a local lottery promoted or to be promoted by the authority;
  - (b) to allow the Board to inspect and take copies of any documents of the authority, including any information kept by the authority otherwise than in writing, relating to such a lottery;
  - (c) where such information is kept by means of a computer, to give the Board such assistance as they may require to enable them to inspect and take copies of the information in a visible and legible form and to inspect and check the operation of any computer, and any associated apparatus or material, that is or has been in use in connection with the keeping of the information;
  - (d) to allow the Board to inspect any aspect of the management of such a lottery.

#### Textual Amendments

**F101** Sch. 2 paras. 6, 6A, 6B, 6C, 6D substituted (3.5.1994) for para. 6 by 1993 c. 39, s. 49(4), Sch. 8 para. 7; S.I. 1994/1055, art. 2

- F102**6D (1) Subject to sub-paragraph (10) below, where the total value of the tickets or chances sold in all local lotteries held in any one financial year and promoted by the same local authority is more than £100,000, the authority shall send to the Board accounts for those lotteries together with a report on the accounts prepared by a qualifying auditor.
- (2) The accounts shall be sent to the Board within ten months of the end of the financial year in which the lotteries to which they relate were held.
  - (3) Accounts under this paragraph shall comply with any directions given by the Board as to the information to be contained in such accounts, the manner in which such information is to be presented or the methods and principles according to which such accounts are to be prepared.
  - (4) Any directions under sub-paragraph (3) above shall be given in writing and may be varied or revoked by subsequent directions.
  - (5) In sub-paragraph (1) above “qualifying auditor” means a person who is—
    - (a) eligible for appointment as a company auditor under section 25 of the <sup>M25</sup>Companies Act 1989;
    - (b) a member of the Chartered Institute of Public Finance and Accountancy; or
    - (c) a firm each of the members of which is a member of that institute;
 and who is not disqualified by sub-paragraph (6) below.

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*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

- (6) The following persons are disqualified—
  - (a) a member, officer or employee of the local authority;
  - (b) a partner or employee of such a person;
  - (c) a partnership of which a person disqualified by paragraph (a) or (b) above is a member.
- (7) The auditor’s report on any accounts under this paragraph shall state whether in the auditor’s opinion the accounts have been properly prepared in accordance with any directions given under sub-paragraph (3) above.
- (8) The auditor shall, in preparing his report, carry out such investigations as will enable him to form an opinion as to—
  - (a) whether proper accounting records have been kept by the local authority; and
  - (b) whether the authority’s accounts are in agreement with the accounting records.
- (9) If the auditor fails to obtain all the information and explanations that, to the best of his knowledge and belief, are necessary for the purposes of his audit, his report shall state that fact.
- (10) Sub-paragraph (1) above does not apply to a local authority in relation to any financial year if the promotion of every local lottery promoted by them held in that year is managed by a person certified under Schedule 2A below as a lottery manager.
- (11) For the purposes of this paragraph a lottery is held in the financial year in which the date of the lottery falls.
- (12) In this paragraph “financial year” means a period of twelve months beginning with 1st April.

**Textual Amendments**

**F102** Sch. 2 para. 6, 6A, 6B, 6C, 6D substituted (3.5.1994) for para. 6 by 1993 c. 39, s. 49(4), **Sch. 8 para. 7**; S.I. 1994/1055, **art. 2**

**Marginal Citations**

**M25** 1989 c. 40.

- 7 <sup>F103</sup>(1) The following fees shall be payable by a local authority to the Board—
- (a) a prescribed fee on an application for a scheme approved by the authority to be registered under this Schedule;
  - (b) a prescribed fee at such intervals whilst such a scheme is so registered as the Secretary of State may by order direct; and
  - (c) a prescribed fee for each lottery promoted under such a scheme.]
- (2) Any such fees received by the Board shall be paid into the Consolidated Fund.

**Textual Amendments**

**F103** Sch. 2 para. 7(1) substituted (3.5.1994) by 1993 c. 39, s. 49(4), **Sch. 8 para.8**; S.I. 1994/1055, **art. 2**

*Status: Point in time view as at 01/04/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

- 8 Any person who, in pursuance of a requirement under [<sup>F104</sup>paragraph 6, 6C or 6D]above, knowingly or recklessly gives to the Board any information which is false in a material particular shall be guilty of an offence.

**Textual Amendments**

**F104** Words in Sch. 2 para. 8 substituted (3.5.1994) by 1993 c. 39, s. 49(4), Sch. 8 para. 9; S.I. 1994/1055, art. 2

- [<sup>F1059</sup> A person who knowingly or recklessly includes in a report under paragraph 6D above any information which is false in a material particular shall be guilty of an offence.]

**Textual Amendments**

**F105** Sch. 2 para. 9 added (3.5.1994) by 1993 c. 39, s. 49(4), Sch. 8 para.10; S.I. 1994/1055, art. 2

[<sup>F106</sup>SCHEDULE 2A **E**  
**+W+S**

LOTTERY MANAGERS

**Textual Amendments**

**F106** Sch. 2A inserted (3.10.1994) by National Lottery etc. Act 1993 (c. 39), s. 50(2), Sch. 9; S.I. 1994/1055, art. 3

<sup>F107</sup>PART I **E+W+S**

CERTIFICATION

**Textual Amendments**

**F107** Sch. 2A inserted (3.10.1994) by 1993 c. 39, s. 50(2), Sch.9; S.I. 1994/1055, art. 3

<sup>F108</sup>*Application and fee*

**Textual Amendments**

**F108** Sch. 2A inserted (3.10.1994) by 1993 c. 39, s. 50(2), Sch.9; S.I. 1994/1055, art. 3

- 1 (1) An application for a person to be certified as a lottery manager shall be made to the Board.
- (2) The application shall be in such form and contain such information as the Board may require.



*Status:* Point in time view as at 01/04/2004. This version of this Act contains provisions that are prospective.

*Changes to legislation:* There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)

- (3) A fee of [<sup>F109</sup>£14,850 ] shall be payable to the Board when the application is made.
- (4) Any fees received by the Board by virtue of this paragraph shall be paid into the Consolidated Fund.

**Textual Amendments**

**F109** Fee in sch. 2A para. 1(3) substituted (1.4.2004) by [The Lotteries \(Gaming Board Fees\) Order 2004 \(S.I. 2004/532\)](#), arts. 1, **8**

*<sup>F110</sup>Grant or refusal of certificate*

**Textual Amendments**

**F110** Sch. 2A inserted (3.10.1994) by [1993 c. 39, s. 50\(2\)](#), [Sch.9](#); [S.I. 1994/1055](#), art. **3**

- <sup>F112</sup> (1) Subject to sub-paragraphs (2) and (3) below, on the making of an application and the payment of a fee in accordance with paragraph 1 above, the Board shall grant a certificate to the applicant certifying him as a lottery manager.
- (2) The Board shall refuse to grant the certificate if, after giving the applicant an opportunity of being heard, they are not satisfied that he is a fit and proper person to manage a lottery.
- (3) The Board may refuse to grant the certificate if, after giving the applicant an opportunity of being heard, it appears to them that—
- (a) any person who would be likely to manage the business or any part of the business of managing lotteries under the certificate is not a fit and proper person to do so,
  - (b) any person for whose benefit that business would be likely to be carried on is not a fit and proper person to benefit from it, or
  - (c) any information given by the applicant to the Board in or in connection with the application is false in a material particular.
- (4) Where the Board refuse to grant a certificate, they shall notify the applicant in writing of the refusal and the ground for it.

**Textual Amendments**

**F111** Sch. 2A inserted (3.10.1994) by [1993 c. 39, s. 50\(2\)](#), [Sch.9](#); [S.I. 1994/1055](#), art. **3**

*<sup>F112</sup>Conditions*

**Textual Amendments**

**F112** Sch. 2A inserted (3.10.1994) by [1993 c. 39, s. 50\(2\)](#), [Sch.9](#); [S.I. 1994/1055](#), art. **3**

- <sup>F113</sup> A certificate may include such conditions as the Board consider appropriate for protecting the interests—

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- (a) of any societies or local authorities whose lotteries the certificate holder may manage, or
- (b) of the persons who participate in any lottery that the certificate holder may manage.

**Textual Amendments**

**F113** Sch. 2A inserted (3.10.1994) by 1993 c. 39, s. 50(2), **Sch.9**; S.I. 1994/1055, **art. 3**.

- F114** (1) The Board may, after giving the certificate holder an opportunity of being heard, vary any condition in a certificate.
- (2) The Board's power to vary a condition in a certificate under this paragraph includes power to add a condition to the certificate or omit a condition from it (and references in this paragraph to the variation of a condition are to be read accordingly).
- (3) Where the Board vary a condition under this paragraph they shall serve a notice on the certificate holder, by post, informing him—
- (a) of the variation, and
  - (b) of the effect of sub-paragraph (4) below.
- (4) The variation shall take effect at the end of the period of twenty-one days beginning with the date of service of the notice.

**Textual Amendments**

**F114** Sch. 2A inserted (3.10.1994) by 1993 c. 39, s. 50(2), **Sch.9**; S.I. 1994/1055, **art. 3**

***F115** Duration of certificate*

**Textual Amendments**

**F115** Sch. 2A inserted (3.10.1994) by 1993 c. 39, s. 50(2), **Sch.9**; S.I. 1994/1055, **art. 3**

- F116** A certificate shall have effect until it is revoked by the Board.

**Textual Amendments**

**F116** Sch. 2A inserted (3.10.1994) by 1993 c. 39, s. 50(2), **Sch.9**; S.I. 1994/1055, **art. 3**

***F117** Revocation of certificate*

**Textual Amendments**

**F117** Sch. 2A inserted (3.10.1994) by 1993 c. 39, s. 50(2), **Sch.9**; S.I. 1994/1055, **art. 3**

- F118** The Board may revoke a certificate if the certificate holder consents.

*Status: Point in time view as at 01/04/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

#### Textual Amendments

**F118** Sch. 2A inserted (3.10.1994) by 1993 c. 39, ss. 50(2), 65, **Sch.9**; S.I. 1994/1055, **art. 3**

- <sup>F119</sup>7 (1) The Board shall revoke a certificate if, after giving the certificate holder an opportunity of being heard, they are satisfied that he is no longer, or never was, a fit and proper person to manage a lottery.
- (2) The Board may revoke a certificate if, after giving the certificate holder an opportunity of being heard, it appears to them that—
- any person who is managing the business or any part of the business of managing lotteries under the certificate is not a fit and proper person to do so,
  - any person for whose benefit the business of managing lotteries under the certificate is carried on is not a fit and proper person to benefit from it,
  - any information given by the certificate holder to the Board in or in connection with the application for the certificate was false in a material particular, or
  - the certificate holder has failed to comply with a condition in the certificate or with a requirement imposed on him by or under this Act.
- (3) Where the Board revoke a certificate under this paragraph they shall serve a notice on the certificate holder, by post, informing him—
- of the revocation,
  - of the ground for the revocation, and
  - of the effect of sub-paragraph (4) below.
- (4) The revocation shall take effect at the end of the period of twenty-one days beginning with the date of service of the notice.

#### Textual Amendments

**F119** Sch. 2A inserted (3.10.1994) by 1993 c. 39, s. 50(2), **Sch.9**; S.I. 1994/1055, **art. 3**.

## <sup>F120</sup>PART II **E+W+S**

### INFORMATION

#### Textual Amendments

**F120** Sch. 2A inserted (3.10.1994) by 1993 c. 39, s. 50(2), **Sch.9**; S.I. 1994/1055, **art. 3**

- <sup>F121</sup>8 (1) A certificate holder shall preserve all documents of his, including all information kept by him otherwise than in writing, relating to the management of a society's lottery or a local lottery until the end of the period of two years beginning with the date of the lottery.
- (2) The Board may direct that, subject to such conditions as may be specified in the direction, sub-paragraph (1) above shall not apply to documents or information specified, or of a description specified, in the direction.

*Status: Point in time view as at 01/04/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

- (3) A direction under sub-paragraph (2) above shall be given in writing and may be varied or revoked by a subsequent direction.

#### Textual Amendments

**F121** Sch. 2A inserted (3.10.1994) by 1993 c. 39, s. 50(2), **Sch.9**; S.I. 1994/1055, **art. 3**

- F122**<sup>9</sup> The Board may require a certificate holder—
- (a) to provide the Board with such information relating to the management of a society's lottery or a local lottery as they may require;
  - (b) to allow the Board to inspect and take copies of any documents of the certificate holder, including any information kept by him otherwise than in writing, relating to the management of such a lottery;
  - (c) where such information is kept by means of a computer, to give the Board such assistance as they may require to enable them to inspect and take copies of the information in a visible and legible form and to inspect and check the operation of any computer, and any associated apparatus or material, that is or has been in use in connection with the keeping of the information;
  - (d) to allow the Board to inspect any aspect of the management of such a lottery.

#### Textual Amendments

**F122** Sch. 2A inserted (3.10.1994) by 1993 c. 39, s. 50(2), **Sch.9**; S.I. 1994/1055, **art. 3**

- F123**<sup>10</sup> Where a certificate holder is a company to which section 241 of the <sup>M26</sup>Companies Act 1985 (directors' duty to lay and deliver accounts) applies, the company shall, immediately after copies of its accounts for a financial year have been laid before it under that section, send a copy of its profit and loss account for that year and the related auditors' report to the Board.

#### Textual Amendments

**F123** Sch. 2A inserted (3.10.1994) by 1993 c. 39, s. 50(2), **Sch.9**; S.I. 1994/1055, **art. 3**

#### Marginal Citations

**M26** 1985 C. 6.

- F124**<sup>11</sup> (1) A certificate holder to whom paragraph 10 above does not apply shall, in respect of each year in which he holds a certificate, send to the Board a profit and loss account of his business of managing lotteries under the certificate together with a report on the account prepared by a qualifying auditor.
- (2) The account shall be sent to the Board within ten months of the end of the year to which it relates.
  - (3) An account under this paragraph shall comply with any directions given by the Board as to the information to be contained in such an account, the manner in which such information is to be presented or the methods and principles according to which such an account is to be prepared.

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*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

- (4) Any directions under sub-paragraph (3) above shall be given in writing and may be varied or revoked by subsequent directions.
- (5) In sub-paragraph (1) above “qualifying auditor” means a person who—
  - (a) is eligible for appointment as a company auditor under section 25 of the <sup>M27</sup>Companies Act 1989, and
  - (b) is not disqualified by sub-paragraph (6) below.
- (6) The following persons are disqualified—
  - (a) the certificate holder;
  - (b) where the certificate holder is an unincorporated body of persons, any of those persons;
  - (c) a partner, officer or employee of the certificate holder or a person disqualified by paragraph (b) above;
  - (d) a partner or employee of a person disqualified by paragraph (c) above;
  - (e) a partnership of which any person disqualified by paragraph (a), (b) or (c) above is a member.
- (7) The auditor’s report on an account under this paragraph shall state whether in the auditor’s opinion the account has been properly prepared in accordance with any directions given under sub-paragraph (3) above.
- (8) The auditor shall, in preparing his report, carry out such investigations as will enable him to form an opinion as to—
  - (a) whether proper accounting records have been kept by the certificate holder, and
  - (b) whether the certificate holder’s account is in agreement with the accounting records.
- (9) If the auditor fails to obtain all the information and explanations that, to the best of his knowledge and belief, are necessary for the purposes of his audit, his report shall state that fact.
- (10) In this paragraph “year” means a period of twelve months beginning with 1st January.

#### Textual Amendments

**F124** Sch. 2A inserted (3.10.1994) by 1993 c. 39, s. 50(2), **Sch.9**; S.I. 1994/1055, **art. 3**

#### Marginal Citations

**M27** 1989 C. 40.

- <sup>F125</sup>12 (1) A person who, in pursuance of a requirement imposed on him by or under paragraph 9, 10 or 11 above, knowingly or recklessly gives to the Board any information which is false in a material particular shall be guilty of an offence.
- (2) A person who knowingly or recklessly includes in a report under paragraph 11 above any information which is false in a material particular shall be guilty of an offence.]

#### Textual Amendments

**F125** Sch. 2A inserted (3.10.1994) by 1993 c. 39, s. 50(2), **Sch.9**; S.I. 1994/1055, **art. 3**

*Status: Point in time view as at 01/04/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

## SCHEDULE 3 E+W+S

Section 16.

### PERMITS FOR COMMERCIAL PROVISION OF AMUSEMENTS WITH PRIZES

#### Modifications etc. (not altering text)

- C14** Sch. 3: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 Table B(11)

#### *Interpretation*

- 1 (1) In this Schedule “the appropriate authority” means—
- (a) in relation to any premises in England or Wales in respect of which a justices’ on-licence (other than a Part IV licence) is for the time being in force, the licensing justices for the licensing district in which the premises are situated;
  - (b) in relation to any other premises in England or Wales, the local authority within whose area the premises are situated;
  - <sup>F126</sup>(c) in relation to any premises in Scotland in respect of which a hotel licence or a public house licence is for the time being in force, the licensing board for the licensing area in which the premises are situated;]
  - (d) in relation to any other premises in Scotland, the local authority within whose area the premises are situated.
- (2) In this Schedule—
- “justices’ on-licence”, “licensing district” and “Part IV licence” have the same meanings as in the <sup>M28</sup>Licensing Act 1964;
- <sup>F127</sup>“hotel certificate”, “licensing area” and “public house licence” have the same meanings as in the <sup>M29</sup>Licensing (Scotland) Act 1959;]
- <sup>F127</sup>“hotel licence”, “licensing area”, “licensing board” and “public house licence” have the same meanings as in the Licensing (Scotland) Act 1976;]
- “local authority” means—
- (a) in England, a district council, a London borough council and the Common Council of the City of London;
  - (b) in Wales, a <sup>F128</sup>county council or county borough]council; and
  - (c) in Scotland, <sup>F129</sup>a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]; and
- “permit” means a permit under section 16 above <sup>F130</sup>and
- “the proper officer of the appropriate authority” means—
- (a) where the appropriate authority is the licensing justices for a licensing district in England and Wales, the chief executive to the justices; and
  - (b) in any other case, the clerk to the authority.]

#### Textual Amendments

- F126** Sch. 3 para. 1(1)(c) substituted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1980 \(c. 55, SIF 72:2\), s. 28\(1\), Sch. 2 para. 8\(a\)](#)
- F127** Words commencing “hotel licence” substituted (S.) for words from “hotel” to “1959” by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1980 \(c. 55, SIF 72:2\), s. 28\(1\), Sch. 2 para. 8\(b\)](#)

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*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

- F128** Words in the definition of "local authority" in Sch. 3 para. 1(2) substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 50(3)** (with Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, **art. 4**
- F129** Words in the definition of "local authority" in Sch. 3 para. 1(2) substituted (1.4.1996) (S.) by 1994 c. 39, s. 180(1), **Sch. 13 para. 104(4)**; S.I. 1996/323, **art. 4**
- F130** Definition and word "and" preceding it inserted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 87(2)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**.

#### Marginal Citations

- M28** 1964 c. 26.  
**M29** 1959 c. 51.

#### *Resolution by local authority as to grant or renewal of permits*

- 2 Any local authority may pass either of the following resolutions, that is to say—
- (a) that (subject to paragraph 3 below) the authority will not grant any permits in respect of premises of a class specified in the resolution; or
  - (b) that (subject to paragraph 3 below) the authority will neither grant nor renew any permit in respect of premises of a class specified in the resolution.
- 3 (1) No resolution under paragraph 2 above shall have effect in relation to the grant or renewal of permits in respect of premises to which this paragraph applies.
- (2) This paragraph applies to any premises used or to be used wholly or mainly for the purposes of a pleasure fair consisting wholly or mainly of amusements.

#### *Application for grant or renewal of permit*

- 4 (1) An application to the appropriate authority for the grant of a permit in respect of any premises may be made—
- (a) by the holder of the licence [<sup>F131</sup>or certificate], in the case of premises such as are mentioned in paragraph 1(1)(a) or (c) above, and
  - (b) in any other case, by the person who is, or by any person who proposes if the permit is granted to become, the occupier of the premises.
- (2) The holder of a permit may apply from time to time for the renewal of the permit.

#### Textual Amendments

- F131** Words repealed (S.) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55, SIF 72:2), s. 28(2), **Sch. 3**

- 5 The appropriate authority shall not refuse to grant or renew a permit without affording to the applicant or a person acting for him an opportunity of appearing before, and being heard by, the appropriate authority or (where that authority is a local authority) a committee of the local authority.

#### *Grounds for refusal to grant or renew permit*

- 6 (1) Where an application for the grant or renewal of a permit is made to a local authority, then if—

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- (a) there is for the time being in force a resolution passed by that authority in accordance with paragraph 2 above which is applicable to the premises to which the application relates, and
- (b) the permit could not be granted or renewed without contravening that resolution,
- it shall be the duty of the authority to refuse to grant or renew the permit.
- (2) The grant or renewal of a permit shall not be invalidated by any failure to comply with this paragraph, and no duty of a local authority to comply with this paragraph shall be enforceable by legal proceedings.
- 7 (1) In the case of premises to which paragraph 3 above applies—
- (a) the grant of a permit shall be at the discretion of the appropriate authority; but
- (b) the appropriate authority shall not refuse to renew a permit except either on the grounds that they or their authorised representatives have been refused reasonable facilities to inspect the premises or by reason of the conditions in which amusements with prizes have been provided on the premises, or the manner in which any such amusements have been conducted, while the permit has been in force.
- (2) In the case of premises other than premises to which paragraph 3 above applies, the grant or renewal of a permit shall (subject to paragraph 6 above) be at the discretion of the appropriate authority; and in particular, and without prejudice to the generality of that discretion, the appropriate authority may refuse to grant or renew any such permit on the grounds that, by reason of the purposes for which, or the persons by whom, or any circumstances in which, the premises are or are to be used, it is undesirable that amusements with prizes should be provided on those premises.
- (3) The preceding provisions of this paragraph shall have effect subject to section 17(1) above.
- (4) In this paragraph any reference to amusements with prizes includes any amusements provided by means of a machine to which Part III of the <sup>M30</sup>Gaming Act 1968 applies.

**Marginal Citations**

M30 1968 c. 65.

*Appeal in England or Wales against decision of appropriate authority*

- 8 (1) Where on an application under this Schedule in England or Wales the appropriate authority refuse to grant or renew a permit, or grant or renew it subject to a condition, the authority shall forthwith give to the applicant notice of their decision and of the grounds on which it is made.
- (2) Where such a notice has been given, the applicant may, by notice to the [<sup>F132</sup>proper officer of] the appropriate authority, appeal against the decision to the Crown Court.
- (3) As soon as practicable after receiving notice of appeal against a decision of the appropriate authority, the [<sup>F132</sup>proper officer of] the authority shall send the notice to the appropriate officer of the Crown Court together with a statement of the decision against which the appeal is brought and of the name and last-known residence or place of business of the appellant, and on receipt of the notice, that officer shall enter



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the appeal and give to the appellant and to the appropriate authority not less than seven days' notice in writing of the date, time and place appointed for the hearing of the appeal.

- (4) A justice shall not act in the hearing or determination of an appeal under this paragraph from any decision in which he took part.

#### Textual Amendments

**F132** Words in Sch. 3 para. 8(2)(3) substituted (1.4.2001) by 1999 c. 22, ss. 90(1), Sch. 13 para. 87(3) (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, art. 2(a)(ii)

- 9 The Court shall not allow an appeal under this Schedule if satisfied that, by virtue of paragraph 6 above, it was the duty of the appropriate authority to refuse to grant or renew the permit.
- 10 Subject to paragraph 9 above, on any such appeal the Court may by its order allow or dismiss the appeal, or reverse or vary any part of the decision of the appropriate authority, and may deal with the application as if it had been made to the Court in the first instance; and the judgment of the Court on the appeal shall be final.
- 11 Where the appropriate authority is the licensing justices for a licensing district and the Court—
- (a) has allowed an appeal, or
  - (b) has awarded the licensing justices any costs and is satisfied that the licensing justices cannot recover those costs,
- the Court shall order payment out of central funds of such sums as appear to the Court sufficient to indemnify the licensing justices from all costs and charges whatever to which they have been put in consequence of the appellant's having served notice of appeal.

#### *Appeal in Scotland against decision of appropriate authority*

- 12 Where on an application under this Schedule in Scotland the appropriate authority refuse to grant or renew a permit, or grant or renew it subject to a condition, the authority shall forthwith give to the applicant notice of their decision and of the grounds on which it is made; and the applicant may, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by act of sederunt, appeal against the decision to the sheriff having jurisdiction in the authority's area.
- 13 The sheriff shall not allow an appeal under this Schedule if satisfied that, by virtue of paragraph 6 above, it was the duty of the appropriate authority to refuse to grant or renew the permit.
- [<sup>F133</sup>14(1) Subject to paragraph 13 above, on any such appeal the sheriff may allow or dismiss the appeal, or reverse or vary any part of the decision of the appropriate authority, and may deal with the application as if it had been made to him in the first instance.
- (2) The decision of the sheriff on the appeal shall be final and may include such order as to the expenses of the appeal as he thinks proper.]

*Status: Point in time view as at 01/04/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

### Textual Amendments

**F133** Sch. 3 para. 14 repealed (S.) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 36:1), s. 59(2), Sch. 4

### *Duration of permit*

- 15 Subject to the following provisions of this Schedule, and without prejudice to the cancellation of any permit under section 17(2) above, a permit—
- (a) if not renewed, shall cease to have effect on such date, not being less than three years beginning with the date on which it was granted, as may be specified in the permit, or
  - (b) if renewed, shall, unless further renewed, cease to have effect on such date, not being less than three years beginning with the date on which it was renewed or last renewed, as the case may be, as may be specified in the decision to renew it.
- 16 (1) Where an application for the renewal of a permit is made not less than one month before the date on which it is due to expire, the permit shall not cease to have effect by virtue of paragraph 15 above before the appropriate authority have determined the application or the application has been withdrawn.
- (2) Where, on such an application, the appropriate authority refuse to renew the permit, it shall not cease to have effect by virtue of paragraph 15 above before the time within which the applicant can appeal against the refusal has expired, and, if he so appeals, shall not cease to have effect by virtue of that paragraph until the appeal has been determined or abandoned.
- 17 (1) A permit shall not be transferable, and, subject to the following provisions of this paragraph, shall cease to have effect if—
- (a) in the case of premises falling within paragraph 1(1)(a) or (c) above, the holder of the permit ceases to be the holder of the licence <sup>F134</sup>or certificate] in respect of the premises, or
  - (b) in the case of any other premises, the holder of the permit ceases to be the occupier of the premises.
- (2) If the holder of a permit dies while the permit is in force—
- (a) the permit shall not cease to have effect by virtue of paragraph 15 above or by virtue of the preceding sub-paragraph before the end of the period of six months beginning with the date of his death, and
  - (b) except for the purposes of a renewal of the permit, his personal representatives shall be deemed to be the holder of the permit;
- and the appropriate authority may from time to time on the application of those personal representatives, extend or further extend the period for which the permit continues to have effect by virtue of this sub-paragraph if satisfied that the extension is necessary for the purpose of winding up the estate of the deceased and that no other circumstances make it undesirable.

*Status: Point in time view as at 01/04/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

#### Textual Amendments

**F134** Words repealed (S.) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55, SIF 72:2), s. 28(2), **Sch. 3**

#### Payment of fees

- 18 Notwithstanding anything in the preceding provisions of this Schedule, no permit shall be granted or renewed except on payment by the applicant to the appropriate authority or their [<sup>F135</sup>proper officer] of a fee of [<sup>F136</sup>£32]

#### Textual Amendments

**F135** Word in **Sch. 3 para. 18** substituted (1.4.2001) by 1999 c. 22, s. 108(1), **Sch. 13 para. 87(4)** (with s. 107, **Sch. 14 para. 7(2)**); S.I. 2001/916, **art. 2(a)(ii)**

**F136** Fee in **Sch. 3 para. 18** substituted (E.W.) (2.12.1991) by S.I. 1991/2174, **art. 2** and (S.) (2.12.1991) by S.I. 1991/2497, **art. 2**

## SCHEDULE 4 **E+W+S**

Section 25.

### CONSEQUENTIAL AMENDMENTS

#### Gaming Act 1968 <sup>M31</sup>

#### Marginal Citations

**M31** 1968 c.65

- 1 In section 1(2)(c) of the Gaming Act 1968 (gaming to which Part I of that Act applies) for the words from the first “in” to “1963” there shall be substituted the words “as mentioned in section 15(1) or 16(1) of the Lotteries and Amusements Act 1976”.

#### Modifications etc. (not altering text)

**C15** The text of **Sch. 4 para. 1** is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 2 In section 34(1)(c) of that Act (uses of machines) for the words “section 49 of the Act of 1963” there shall be substituted the words “section 16 of the Lotteries and Amusements Act 1976”.

*Status: Point in time view as at 01/04/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

**Modifications etc. (not altering text)**

**C16** The text of Sch. 4 para. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 3 In section 41(1)(c) of that Act (gaming at entertainments not held for private gain) for the words from the first “in” to “1963” there shall be substituted the words “as mentioned in section 15(1) or 16(1) of the Lotteries and Amusements Act 1976”.

**Modifications etc. (not altering text)**

**C17** The text of Sch. 4 para. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 4 In section 42(2)(d) of that Act (restrictions on advertisements relating to gaming) for the words from “4” to “49” there shall be substituted the words “3 of Schedule 3 to the Lotteries and Amusements Act 1976 applies and in respect of which a permit under section 16”.

**Modifications etc. (not altering text)**

**C18** The text of Sch. 4 para. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 5 The following section shall be added after section 51 of that Act—

“(1) In construing sections 33 and 41 of this Act, proceeds of any entertainment, lottery or gaming promoted on behalf of a society to which this subsection extends which are applied for any purpose calculated to benefit the society as a whole shall not be held to be applied for purposes of private gain by reason only that their application for that purpose results in benefit to any person as an individual.

(2) Subsection (1) above extends to any society which is established and conducted either—

- (a) wholly for purposes other than purposes of any commercial undertaking; or
- (b) wholly or mainly for the purpose of participation in or support of athletic sports or athletic games;

and in this section “society” includes any 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.

(3) For the purposes of sections 33 and 41 of this Act, where any payment falls to be made by way of hiring, maintenance or other charge in respect of a machine to which Part III of this Act applies or in respect of any equipment or holding a lottery or gaming at any entertainment, then if, but only if, the amount of that charge falls to be determined wholly or partly by reference to the extent to which that or some other machine or equipment is used

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for the purposes of lotteries or gaming, that payment shall be held to be an application of the proceeds of the entertainment for the purposes of private gain.”

**Modifications etc. (not altering text)**

**C19** The text of Sch. 4 para. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 6 (1) In subsection (1) of section 52 of that Act (interpretation) after the definition of “machine” there shall be inserted the following definition—

““newspaper” includes any journal, magazine or other periodical publication;”

- (2) In subsection (3)(a) of that section for the words from “section 43(1)” to the end of the sub-paragraph there shall be substituted the words “section 3 (small lotteries incidental to certain entertainment), 4 (private lotteries), 5 (societies’ lotteries) or 6 (local lotteries) of the Lotteries and Amusements Act 1976 and”.

**Modifications etc. (not altering text)**

**C20** The text of Sch. 4 para. 6(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**C21** The text of Sch. 4 para. 6(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Pool Competitions Act 1971* <sup>M32</sup>

- 7 (1) In section 2(5) of the Pool Competitions Act 1971 (licence to promote competitions) at the end of paragraph (c) there shall be inserted—

“and

(d) the Lotteries and Amusements Act 1976”.

- (2) In section 6(1) of that Act (offences for which consent to prosecute is required)—

(a) in paragraph (a), for the words “section 42 or section 47 of the Betting, Gaming and Lotteries Act 1963” there shall be substituted the words “section 2 or section 14 of the Lotteries and Amusements Act 1976”;

(b) in paragraph (b), for the words “that Act” there shall be substituted the words “the Betting, Gaming and Lotteries Act 1963”.

**Modifications etc. (not altering text)**

**C22** The text of Sch. 4 para. 7(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

**C23** The text of Sch. 4 para. 7(2)(a) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**C24** The text of Sch. 4 para. 7(2)(b) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M32** 1971 c.57.

*Betting and Gaming Duties Act 1972* <sup>M33</sup>

<sup>F137</sup>8 . . . . .

**Textual Amendments**

**F137** Sch. 4 para. 8 repealed by *Betting and Gaming Duties Act 1981* (c. 63, SIF 12:2), s. 34(2), **Sch. 7**

**Marginal Citations**

**M33** 1972 c.25.

*Local Government Act 1974* <sup>M34</sup>

9 In section 1(4) of the *Local Government Act 1974* (relevant expenditure for purposes of rate support grant) for the words “and section 5(3) of the *Lotteries Act 1975*” (which were inserted by that Act) there shall be substituted the words “and section 8(3) of the *Lotteries and Amusements Act 1976*”.

**Modifications etc. (not altering text)**

**C25** The text of Sch. 4 para. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M34** 1974 c.7.

SCHEDULE 5 **E+W+S**

Section 25.

REPEALS.

**Modifications etc. (not altering text)**

**C26** The text of Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short title	Extent of Repeal
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**Status:** Point in time view as at 01/04/2004. This version of this Act contains provisions that are prospective.

**Changes to legislation:** There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)

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1963 c.2	The Betting, Gaming and Lotteries Act 1963.	Parts III and IV. Section 52(1A). Section 54. In section 55, the definition of “newspaper” in subsection (1), and subsection (2). Schedule 6.
1966 c.42.	The Local Government Act 1966.	In Part II of Schedule 3, in paragraph 23 the words “paragraph 16 of Schedule 6”
1966 c.51.	The Local Government (Scotland) Act 1966.	In Part II of Schedule 4, in paragraph 26 the words “paragraph 16 of Schedule 6”
1968 c.65	The Gaming Act 1968.	Section 33(6). Section 41(11) In section 53, in subsection (1) the words in paragraph (a) from “and the Schedule” onwards. In Schedule 11, in Part I the entries relating to sections 41, 42, 48, 49 and 54 of the Betting, Gaming and Lotteries Act 1963, and Part II.
1971 c.23	The Courts Act 1971.	In Schedule 9, in the entry relating to the Betting, Gaming and Lotteries Act 1963, the words “Schedule VI, 8 to 11” and the words “Schedule VII, 5”
1971 c.57.	The Pool Competitions Act 1971.	Section 2(5)(b).
1973 c.65.	The Local Government (Scotland) Act 1973.	In Schedule 24, paragraphs 28 and 29.
1975 c.58.	The Lotteries Act 1975.	The whole Act, except section 20(1) and (3) and paragraph 6 of Schedule 4.

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**Status:**

Point in time view as at 01/04/2004. This version of this Act contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed).