



Lotteries and Amusements Act 1976 (repealed)

1976 CHAPTER 32

PART I

LEGAL AND ILLEGAL LOTTERIES

General illegality of lotteries

1 Illegality of lotteries.

All lotteries which do not constitute gaming are unlawful, except as provided by this Act. [^{F1}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.

- (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—
- (a) prints any tickets for use in the lottery; or
 - (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

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- (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 [^{F2}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 [^{F3}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 [^{F4}; 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.]
- [^{F5}(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—
- (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.

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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.

- (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.

4 Private lotteries.

- [^{F6}(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,

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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.
- (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

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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.

(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 [^{F7}the appropriate Schedule] and
- (c) it is promoted in accordance with a scheme approved by the society; [^{F8}and
- (d) either—
 - (i) the total value of tickets or chances to be sold is [^{F9}£10,000] or less; or
 - (ii) the scheme is registered with the Board before any tickets or chances are sold.]

[^{F10}(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,
- 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—

Status: Point in time view as at 03/10/1994.

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- (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.

- (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 ^{M1}Local Government Act 1972 or section 56 of the ^{M2}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.
M2 1973 c. 65.

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PART II

PROVISIONS RELATING TO SOCIETIES' LOTTERIES AND LOCAL LOTTERIES

Provisions relating to local lotteries

7 Purposes of a local lottery.

- (1) A local authority may promote a local lottery for any purpose for which they have power to incur expenditure under any enactment, including, without prejudice to the generality of this subsection, section 137 of the ^{M3}Local Government Act 1972 and section 83 of the ^{M4}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.

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](#).

Status: Point in time view as at 03/10/1994.

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Marginal Citations

M3 1972 c. 70.

M4 1973 c. 65.

8 Proceeds of local lotteries.

- (1) A local authority shall pay the whole proceeds of a local lottery, after deducting the expenses of promoting it and the sums required for prizes, into a fund (in this section referred to as a “lottery fund”), and any money in such a fund shall be invested by the local authority and any income arising from such investment shall be credited to the fund.
- (2) It shall be the duty of a local authority to maintain a separate lottery fund for each local lottery which they promote.
- [^{F13}(3) The payment by a local authority out of their rate fund, within the meaning of subsection (7) of section 1 of the ^{M5}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

^{F149} Schemes for societies' lotteries and local lotteries.

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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](#)

^{F159A} Lottery managers.

- (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,
 - (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.

Status: Point in time view as at 03/10/1994.

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- (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 ^{M6}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.

[^{F16}10 Frequency of lotteries.

- (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.

- (1) In the case of a society's lottery—
 - (a) the promoter of the lottery shall be a member of the society authorised in writing by the governing body of the society to act as the promoter; and
 - (b) every ticket [^{F17}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 [^{F18}£1]

Status: Point in time view as at 03/10/1994.

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- (3) The price of every ticket or chance shall be the same, and the price of any ticket [^{F19}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.
- [^{F20}(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.]
- [^{F21}(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).
- ^{F21}(6) The total value of the tickets or chances sold in any one such lottery shall not exceed £1,000,000.
- ^{F21}(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 £5,000,000.
- ^{F21}(8) For the purposes of subsection (7) above, a lottery is held in the year in which the date of the lottery falls.
- ^{F21}(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 [^{F22}50 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 [^{F23}£20,000], [^{F23}30 per cent.]of those proceeds; or
 - (b) where the whole proceeds of the lottery exceed [^{F23}£20,000], 15 per cent. of those proceeds or such larger percentage, not exceeding [^{F23}30 per cent.], as the Board may authorise in the case of a particular lottery.
- [^{F24}(14) For the purposes of subsection (12) above, the amount of any expenses that are met—
- (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,

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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** “£1” substituted (E.W.) by S.I. 1989/1218, art. 2, Sch. and (S.) by S.I. 1989/1214, art. 2, Sch.
- 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** Words in s. 11(11) substituted (3.5.1994) by 1993 c. 39, s. 52(6); S.I. 1994/1055, art. 2
- F23** Words in s. 11(13) substituted (3.5.1994) by virtue of 1993 c. 39, s. 52(7); S.I. 1994/1055, art. 2
- F24** S. 11(14)-(16) added (3.5.1994) by 1993 c. 39, s. 52(8); S.I. 1994/1055, art. 2

12 Regulations.

- (1) The Secretary of State may by regulations prescribe provisions to be included in—
- any scheme approved by a society for the promotion of a society’s lottery; and
 - 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—
- the persons to whom and by whom tickets or chances in a lottery may or may not be sold;
 - the circumstances in which tickets or chances may be sold and in which persons may be invited to purchase tickets or chances;
 - the minimum age at which any person may buy a ticket or chance;
 - any information which must, or must not, appear on a ticket;
 - the manner in which a lottery may be advertised;
 - the use of postal services in connection with lotteries;
 - 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—

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- (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.

- (1) If any requirement of this Act [^{F25}, 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.
- [^{F26}(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 [^{F27}an order made under]section 10 above [^{F28}. . .] to prove that the date of a lottery was later than he had expected for reasons which he could not foresee.

Textual Amendments

F25 Words in s. 13(1) substituted (3.5.1994) by 1993 c. 39, s. 53(2); S.I. 1994/1055, art. 2

F26 S. 13(2A) inserted (3.5.1994) by 1993 c. 39, s. 53(3); S.I. 1994/1055, art. 2

F27 Words in s. 13(4) inserted (3.5.1994) by 1993 c. 39, s. 53(4); S.I. 1994/1055, art. 2

F28 Words in s. 13(4) repealed (3.5.1994) by 1993 c. 39, s. 64, Sch.10; S.I. 1994/1055, art. 2

Status: Point in time view as at 03/10/1994.

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

PART III

COMPETITIONS AND AMUSEMENTS

Newspaper and other competitions

14 Prize competitions.

- (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 ^{M7}Betting, Gaming and Lotteries Act 1963.

Marginal Citations

M7 1963 c. 2.

Amusements with prizes

15 Provision of amusements with prizes at exempt entertainments.

- (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 ^{M8}Gaming Act 1968 applies, or
 - (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

Status: Point in time view as at 03/10/1994.

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

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 ^{M9}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.

Marginal Citations

M8 1968 c. 65.

M9 1968 c. 65.

16 Provision of amusements with prizes at certain commercial entertainments.

- (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 ^{M10}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 ^{M11}Gaming Act 1968 applies, being premises 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

Status: Point in time view as at 03/10/1994.

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

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)

- C2** 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.
- C3** 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
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)
- C4** 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.
- C5** 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
- C6** 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

Status: Point in time view as at 03/10/1994.

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

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.

- (1) No permit under section 16 above shall be granted in respect of any premises where a licence under the ^{M12}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
 - (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.

Status: Point in time view as at 03/10/1994.

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

PART IV

SUPPLEMENTARY

18 Powers of Secretary of State as to monetary limits, fees etc.

- (1) The Secretary of State may by order—
- [^{F29}(a) vary the sum specified in section 5(3B) or (3C) above;]
 - [^{F30}(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 [^{F31}, 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]; [^{F32}and]
 - [^{F33}(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 [^{F34}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

- F29** S. 18(1)(a) substituted (3.5.1994) by 1993 c. 39, s. 54(2); S.I. 1994/1055, art. 2
F30 S. 18(1)(b) substituted (3.5.1994) by 1993 c. 39, s. 54(3); S.I. 1994/1055, art. 2
F31 Words in s. 18(1)(e) substituted (3.5.1994) by 1993 c. 39, s. 54(4); S.I. 1994/1055, art. 2
F32 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
F33 S. 18(1)(ee)(eee) inserted (3.5.1994) by 1993 c. 39, s. 54(5); S.I. 1994/1055, art. 2
F34 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)

- C7** Functions in s. 18(1)(d)(f) transferred (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, Sch. 1.

19 Search warrants.

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, [^{F35}at any time within 14 days from the time of the issue of

Status: Point in time view as at 03/10/1994.

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

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

F35 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)

C8 S. 19 powers of seizure extended (*prosp.*) by [2001 c. 16, ss. 50, 52-54, 68, 138\(2\)](#), [Sch. 1 Pt. I para. 20](#)

C9 S. 19 modified (*prosp.*) by [2001 c. 16, ss. 57\(3\), 55, 68, 138\(2\)](#), [Sch. 1 Pt. III para. 97](#)

20 Penalties and forfeitures.

- (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.

- (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.
- (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.

- (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

Status: Point in time view as at 03/10/1994.

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

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.

- (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;

[^{F36}“employee” and “employment” have the meanings given by section 153(1) of the ^{M13}Employment Protection (Consolidation) Act 1978]

“exempt entertainment” has the meaning assigned to it by section 3(1) above;

“gaming” has the same meaning as in the ^{M14}Gaming Act 1968;

“local authority” means—

- (a) in England, a county council, . . . ^{F37}, a district council, a London borough council, the Common Council of the City of London, the Council of the Isles of Scilly and a parish council;
- (b) in Wales, a county council, a district council and a community council; and
- (c) in Scotland, a regional council, an islands council and a district council;

“local lottery” has the meaning assigned to it by section 6(1) above;

“money” includes a cheque, banknote, a postal order or money order;

“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;

[^{F38}“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;

Status: Point in time view as at 03/10/1994.

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

“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

F36 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

F37 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102(2), Sch. 17

F38 Definition of 'registration authority' inserted (21.12.1993) in s. 23(1) by 1993 c. 39, ss.55; S.I. 1993/2632, art. 3

Marginal Citations

M13 1978 C. 44.

M14 1968 c. 65.

24 Orders and regulations.

- (1) Any power to make an order or regulations under this Act shall be exercisable by statutory instrument subject, except in the case of an order under section 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.

- (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.
- (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 ^{M15}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 ^{M16}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 ^{M17}Art Unions Act 1846, and a lottery promoted and conducted in accordance with that Act shall not be unlawful.

Status: Point in time view as at 03/10/1994.

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

- (7) Where any provision contained in any local Act passed before the ^{M18}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 ^{M19}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 ^{M20}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 ^{M21}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.

Modifications etc. (not altering text)

- C10** 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.
- C11** 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.

Marginal Citations

- M15** 1963 c. 2.
M16 1963 c. 2.
M17 1846 c. 48.
M18 1960 c. 60.
M19 1972 c. 70.
M20 1975 c. 58.
M21 1889 c. 63.

Status:

Point in time view as at 03/10/1994.

Changes to legislation:

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