



Lotteries and Amusements Act 1976 (repealed)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—

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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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