



# Lotteries and Amusements Act 1976 (repealed)

## 1976 CHAPTER 32

### 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 <sup>M1</sup>Local Government Act 1972 and section 83 of the <sup>M2</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

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- (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](#).

**Marginal Citations**

**M1** [1972 c. 70](#).

**M2** [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.
- [<sup>F1</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>M3</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**

**F1** [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**

**M3** [1974 c. 7](#).

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*Provisions relating to societies' lotteries and local lotteries*

**F<sup>2</sup>9 Schemes for societies' lotteries and local lotteries.**

**Textual Amendments**

**F2** S. 9 repealed (3.5.1994) by 1993 c. 39, ss. 49(3), 64, Sch.10; S.I. 1994/1055, art. 2

**[F<sup>3</sup>9A 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.
- (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>M4</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**

**F3** S. 9A inserted (3.10.1994) by 1993 c. 39, s. 50(1); S.I. 1994/1055, art. 3

**Marginal Citations**

**M4** 1985 C. 6.

**[F<sup>4</sup>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

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- (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

**F4** 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 [<sup>F5</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>F6</sup>£1]
  - (3) The price of every ticket or chance shall be the same, and the price of any ticket [<sup>F7</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>F8</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>F9</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>F9</sup>(6) The total value of the tickets or chances sold in any one such lottery shall not exceed £1,000,000.
- [<sup>F9</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 £5,000,000.
- [<sup>F9</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>F9</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.]

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- (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>F10</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>F11</sup>£20,000], [<sup>F11</sup>3 5 per cent.]of those proceeds; or
  - (b) where the whole proceeds of the lottery exceed [<sup>F11</sup>£20,000], 15 per cent. of those proceeds or such larger percentage, not exceeding [<sup>F11</sup>35 per cent.], as the Board may authorise in the case of a particular lottery.
- [<sup>F12</sup>(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,
- 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

- F5** Words in s. 11(1)(b) substituted (3.5.1994) by 1993 c. 39, s. 52(2); S.I. 1994/1055, art. 2
- F6** "£1" substituted (E.W.) by S.I. 1989/1218, art. 2, Sch. and (S.) by S.I. 1989/1214, art. 2, Sch. (the amending Sch. of both S.I.s was omitted (17.6.2002) so far as relating to s. 11(2) by virtue of S.I. 2002/1410, art. 5)
- F7** Words in s. 11(3) inserted (3.5.1994) by 1993 c. 39, s. 52(3); S.I. 1994/1055, art. 2
- F8** S. 11(4A) inserted (3.5.1994) by 1993 c. 39, s. 52(4); S.I. 1994/1055, art. 2
- F9** 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
- F10** Words in s. 11(11) substituted (10.2.1997) by virtue of S.I. 1997/43, art. 2
- F11** Words in s. 11(13) substituted (10.2.1997) by virtue of S.I. 1997/43, arts. 3, 4
- F12** 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

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## 12 Regulations.

- (1) The Secretary of State may by regulations prescribe provisions to be included in—
  - (a) any scheme approved by a society for the promotion of a 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;
  - (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.

- (1) If any requirement of this Act [<sup>F13</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>F14</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.]

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- (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>F15</sup>an order made under]section 10 above [<sup>F16</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**

**F13** Words in s. 13(1) substituted (3.5.1994) by 1993 c. 39, s. 53(2); S.I. 1994/1055, art. 2

**F14** S. 13(2A) inserted (3.5.1994) by 1993 c. 39, s. 53(3); S.I. 1994/1055, art. 2

**F15** Words in s. 13(4) inserted (3.5.1994) by 1993 c. 39, s. 53(4); S.I. 1994/1055, art. 2

**F16** Words in s. 13(4) repealed (3.5.1994) by 1993 c. 39, s. 64, Sch.10; S.I. 1994/1055, art. 2

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