

SCHEDULES

SCHEDULE 1

Section 5.

REGISTRATION OF SOCIETIES

PART I

REGISTRATION

- 1 (1) An application for the registration of a society for the purposes of section 5 above shall be made to the registration authority.
- (2) In this Schedule "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 Stilly ;
 - (b) in Wales, a district council;
 - (c) in Scotland, an islands or district council,being the authority within whose area the office or head office of the society is situated.
- 2 Any such application shall specify the purposes for which the society is established and conducted.
- 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 £10, 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.
- 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—
 - (a) that any person has been convicted of an offence to which this paragraph applies committed in connection with a lottery promoted or proposed to be promoted on behalf of the society ; or
 - (b) that the society does not satisfy or has ceased to satisfy the conditions specified in section 5(1) above.(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 or paragraph 12 of Schedule 7 to the 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.
- 5 Where the registration of any society has been refused or revoked under paragraph 4 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.
- 6 Where the registration of any society has been refused or revoked under paragraph 4 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.
- 7 Where the registration authority revoke a registration under paragraph 4 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.
- 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 £5, and any such fee which remains unpaid after the date on which it becomes payable may be recovered by the authority as a debt.
- 10 Subject to the provisions of this Schedule, the registration of any society under Schedule 7 to the Betting, Gaming and Lotteries Act 1963 shall have effect as registration under this Schedule.

PART II

RETURNS

- 11 Subject to paragraph 12 below, the promoter of a society's lottery shall, not later than the end of the third month after the date of the lottery, send to the registration authority a return certified by two other members of the society, being persons of full age appointed in writing by the governing body of the society, showing—
- (a) a copy of the scheme under which the lottery was promoted ;
 - (b) the whole proceeds of the lottery ;
 - (c) the sums appropriated out of those proceeds on account of expenses and on account of prizes respectively;
 - (d) the particular purpose or purposes to which proceeds of the lottery were applied in pursuance of section 5(4) above, and the amount applied for that purpose, or for each of those purposes, as the case may be; and
 - (e) the date of the lottery.
- 12 Paragraph 11 above shall not apply to a society's lottery promoted in accordance with a scheme registered with the Board.

- 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.

SCHEDULE 2

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.
- 2 A society shall submit to the Board any scheme approved by the society under section 5(3)(c) above if the total value of tickets or chances to be sold in any lottery promoted in accordance with that scheme exceeds £5,000.
- 3 (1) The Board shall register a scheme submitted to them under this Schedule unless—
- (a) in the case of a scheme submitted by a society, that society is not registered under Schedule 1 above ; or
 - (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 applicant within the last five years have been properly conducted ; or
 - (ii) that all fees payable under this Act have been paid; or
 - (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 employed for reward in connection with the promotion of a lottery under the scheme.
- (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 or paragraph 12 of Schedule 7 to the 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.
- 4 (1) The Board shall have power to revoke the registration of any scheme on any of the grounds (a), (b), (c) or (d) specified in paragraph 3(1) above.
- (2) The Board shall also have power to revoke the registration of any scheme where it appears to them that an unsuitable person has been employed for reward in connection with the promotion of any lottery under that scheme.

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- (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.
- 5 (1) The Secretary of State may direct the Board to restore any registration which, in pursuance of paragraph 4 above, the Board have revoked on any of the grounds specified in paragraph 3(1)(c) or (d) above or paragraph 4(2) above, and the Board shall give effect to any such direction.
- (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.
- 6 The Board shall have power to require the provision of accounts in relation to any lottery promoted under a scheme registered by them, and any other information which they may require in respect of any lottery promoted or to be promoted under a scheme registered by them or submitted to them for registration.
- 7 (1) The following fees shall be payable to the Board—
- (a) a prescribed fee on an application for the registration of a scheme ; and
 - (b) where more than one lottery is to be promoted under a scheme registered by the Board, a further prescribed fee for each lottery promoted under that scheme.
- (2) Any such fees received by the Board shall be paid into the Consolidated Fund.
- 8 Any person who, in pursuance of a requirement under paragraph 6 above, knowingly or recklessly gives to the Board any information which is false in a material particular shall be guilty of an offence.

SCHEDULE 3

Section 16.

PERMITS FOR COMMERCIAL PROVISION OF AMUSEMENTS WITH PRIZES

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 ;
 - (c) in relation to any premises in Scotland in respect of which a hotel certificate or a public house certificate is for the time being in force, the licensing court 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 Licensing Act 1964 ;
- " hotel certificate ", " licensing area " and " public house certificate " have the same meanings as in the Licensing (Scotland) Act 1959 ;

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" 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 district council; and
 - (c) in Scotland, an islands council and a district council ; and
- " permit " means a permit under section 16 above.

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 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.
- 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—
- (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.

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- 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 Gaming Act 1968 applies.

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 clerk to 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 clerk to 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 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.
- 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

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(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.
- 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.

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—

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- (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 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.

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 clerk of a fee of £2.50.

SCHEDULE 4

Section 25.

CONSEQUENTIAL AMENDMENTS

Gaming Act 1968

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

“51A Meaning of " private gain " in relation to non-commercial entertainments.

- (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 a hiring, maintenance or other charge in respect of a machine to which Part III of this Act applies or 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 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 (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 ".

Pool Competitions Act 1971

- 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 ";

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

Betting and Gaming Duties Act 1972

- 8 (1) In section 6 of the Betting and Gaming Duties Act 1972 (pool betting duty), for paragraph (b) of subsection (3) there shall be substituted the following paragraph:—
- “(b) " bet" does not include the taking of a ticket or chance—
- (i) in any lottery which is declared by section 3, 4 or 25(6) of the Lotteries and Amusements Act 1976 not to be unlawful; or
- (ii) in any society's lottery or local lottery within the meaning of section 5 or 6 of that Act, in which the relevant monetary limits are not exceeded (disregarding any variation of those limits made by order under section 18 of that Act).”
- (2) For subsection (4) of that section (which was added by paragraph 3(b) of Schedule 3 to the Lotteries Act 1975) there shall be substituted the following subsection:—
- “(4) In subsection (3) above "relevant monetary limits" means the limits referred to in section 5(4) (a) and subsections (2), (5) (6) and (8) of section 11 of the said Act of 1976.”.

Local Government Act 1974

- 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 ".

SCHEDULE 5

Section 25.

REPEALS

Chapter	Short Title	Extent of Repeal
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 ".

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Chapter	Short Title	Extent of Repeal
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.