GAMBLING ACT 2005

EXPLANATORY NOTES

TERRITORIAL EXTENT

Territorial limits – vessels and aircraft

Schedule 1: Betting: prize competitions: definition of payment to enter

83.   Schedule 1 defines the circumstances in which someone is to be treated as having to pay to participate for the purposes of the "betting: prize competitions" definition in section 11. The definition covers cases where a participant has to send money (or its equivalent), and also transferring money's worth and paying for goods and services at a price or rate which reflects the opportunity to participate in the prize competition.

84.   Entry by standard rate telephone call, ordinary post (such as ordinary first class post) or by the use of another comparable service at its standard price to submit an entry, or to claim a prize, is not to be regarded as payment for entry.

85.   Where an operator or any third party earns income from the prize competition because an entrant has to pay to discover whether a prize has been won or to take possession of the prize (for example, by means of a premium rate telephone line), then this is to be treated as payment to participate.

86.   A prize competition is not to be regarded as requiring payment for entry, provided that a free entry route is offered for the competition (for example, a letter sent by ordinary post or another method of communication which is neither more expensive or less convenient than participating by paying). However, to qualify, the free entry route must be displayed with equal prominence as the other means of paid entry, and entries which are not paid for must be no less likely to win all or any of the prizes than entries which are paid for.

87.   The Schedule confers a power on the Secretary of State to make regulations which determine whether or not a specified arrangement is to count as requiring payment to participate. New schemes and kinds of competition are always being devised; and this power will enable any uncertainty which might arise about payment to be resolved in the regulations.