

*These notes refer to the Gambling Act 2005 (c.19)
which received Royal Assent on 7 April 2005*

GAMBLING ACT 2005

EXPLANATORY NOTES

TERRITORIAL EXTENT

Territorial limits – vessels and aircraft

Schedule 2: Lotteries: definition of payment to enter

88. *Part 1* contains the definition of a lottery for the purposes of the Act. The definition consists of three elements, one of which is that people are required to pay to enter the lottery. Schedule 2 sets out what is meant by payment to enter for the purposes of a lottery. The provisions of this Schedule closely follow those in Schedule 1 for prize competitions.
89. It will not be possible for an operator to circumvent the provisions on payment to enter, explained above in relation to Schedule 1, by providing two methods of entry, both of which are communication at a premium rate, or one of which is a payment and the other is communication at a premium rate. This is because any method of communication that is charged at above the normal rate (i.e. at a rate that reflects the opportunity to enter the lottery) is deemed to be “payment” under *paragraph 2(c)*. So, where there is a choice between payment to enter, and entry through, say, a premium rate telephone line, there is no choice of free entry under *paragraph 8*, and both methods constitute payment. The arrangement will therefore be a lottery.