

Status: Point in time view as at 07/04/2005. This version of this schedule contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Gambling Act 2005, SCHEDULE 1. (See end of Document for details)

SCHEDULES

VALID FROM 01/10/2005

SCHEDULE 1

Section 11

BETTING: PRIZE COMPETITIONS: DEFINITION OF PAYMENT TO ENTER

Introduction

- 1 This Schedule makes provision about the circumstances in which a person is to be or not to be treated for the purposes of section 11(1)(b) as being required to pay to participate in an arrangement.

Meaning of payment

- 2 For the purposes of section 11 and this Schedule a reference to paying includes a reference to—
- (a) paying money,
 - (b) transferring money's worth, and
 - (c) paying for goods or services at a price or rate which reflects the opportunity to participate in an arrangement under which a participant may win a prize.
- 3 It is immaterial for the purposes of section 11 and this Schedule—
- (a) to whom a payment is made, and
 - (b) who receives benefit from a payment.
- 4 It is also immaterial for the purposes of section 11 and this Schedule whether a person knows when he makes a payment that he thereby participates in an arrangement as a result of which he may win a prize.

Stamps, telephone calls, &c.

- 5 (1) For the purposes of section 11 and this Schedule a reference to paying does not include a reference to incurring the expense, at a normal rate, of—
- (a) sending a letter by ordinary post,
 - (b) making a telephone call, or
 - (c) using any other method of communication.
- (2) For the purpose of sub-paragraph (1)—
- (a) a “normal rate” is a rate which does not reflect the opportunity to participate in an arrangement under which a person may win a prize, and
 - (b) ordinary post means ordinary first-class or second-class post (without special arrangements for delivery).

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Payment to discover whether prize won

- 6 For the purposes of section 11 and this Schedule a requirement to pay in order to discover whether a prize has been won under an arrangement shall be treated as a requirement to pay to participate in the arrangement.

Payment to claim prize

- 7 For the purposes of section 11 and this Schedule a requirement to pay in order to take possession of a prize which a person has or may have won under an arrangement shall be treated as a requirement to pay to participate in the arrangement.

Choice of free entry

- 8 (1) For the purposes of section 11 and this Schedule an arrangement shall not be treated as requiring a person to pay to participate if under the arrangement—
- (a) each person who is eligible to participate has a choice whether to participate by paying or by sending a communication,
 - (b) the communication mentioned in paragraph (a) may be—
 - (i) a letter sent by ordinary post, or
 - (ii) another method of communication which is neither more expensive nor less convenient than participating by paying,
 - (c) the choice is publicised in such a way as to be likely to come to the attention of each person who proposes to participate, and
 - (d) the system for allocating prizes does not differentiate between those who participate by paying and those who participate by sending a communication.
- (2) In this paragraph “ordinary post” has the meaning given by paragraph 5(2)(b).

Power to make regulations

- 9 The Secretary of State may make regulations providing that an activity of a specified kind or performed in specified circumstances is to be or not to be treated for the purposes of section 11 as paying to participate in an arrangement.

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