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STATUTORY INSTRUMENTS

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**1985 No. 1204**

**The Betting, Gaming, Lotteries and  
Amusements (Northern Ireland) Order 1985**

**PART IV**

**LOTTERIES**

*General Illegality of Lotteries*

***Illegality of lotteries***

**131.**—<sup>F1</sup> Subject to the provisions of this Part and paragraph 6(1) of Schedule 20 <sup>F2</sup>and to section 2(1) of the National Lottery etc. Act 1993], all lotteries which do not constitute gaming are unlawful.

<sup>F3</sup>(2) For the purposes of this Part an arrangement is not a lottery unless persons are required to pay to participate in the arrangement; and Schedule 15A makes provision about when an arrangement is or is not to be treated for those purposes as requiring persons to pay to participate.]

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| <p><b>F1</b> Art. 131 renumbered as art. 131(1) (27.4.2022) by <a href="#">Betting, Gaming, Lotteries and Amusements (Amendment) Act (Northern Ireland) 2022 (c. 14)</a>, <b>ss. 9(1)</b>, 17(2)</p> <p><b>F2</b> 1993 c. 39</p> <p><b>F3</b> Art. 131(2) inserted (27.4.2022) by <a href="#">Betting, Gaming, Lotteries and Amusements (Amendment) Act (Northern Ireland) 2022 (c. 14)</a>, <b>ss. 9(1)</b>, 17(2)</p> |
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***General lottery offences***

**132.**—(1) Subject to the provisions of this Article, every person who in connection with any lottery promoted or proposed to be promoted in Northern Ireland or elsewhere—

- (a) subject to paragraph (2), makes, prints, advertises or publishes any tickets for use in the lottery or any proposal, scheme or plan relating to the lottery; or
- (b) sells, barter, exchanges or otherwise disposes of, or distributes or offers or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution, any tickets or chances in the lottery; or
- (c) prints, publishes or distributes, or has in his possession for the purpose of publication or distribution—
  - (i) any advertisement of the lottery; or
  - (ii) any list, whether complete or not, of prize winners or winning tickets in the lottery; or
  - (iii) any such matter descriptive of the drawing or intended drawing of the lottery, or otherwise relating to the lottery, as is calculated to act as an inducement to persons to participate in that lottery or in other lotteries; or

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**Changes to legislation:** *The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, Cross Heading: General Illegality of Lotteries is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (d) brings, or invites any person to send, into Northern Ireland<sup>[F4]</sup> from a place outside the British Islands and the member States] for the purpose of sale or distribution any ticket in, or advertisement of, the lottery; or
  - (e) conducts or manages any scheme, contrivance or operation of any kind for the purpose of determining who, or the holders of what lots, tickets, numbers or chances, are the winners of any property proposed to be advanced, loaned, given, sold or disposed of by the lottery; or
  - (f) sends or attempts to send out of Northern Ireland<sup>[F4]</sup> to a place outside the British Islands and the member States] any money or valuable thing received in respect of the sale or distribution, or any document recording the sale or distribution, or the identity of the holder, of any ticket or chance in the lottery; or
  - (g) uses any premises, or causes or knowingly permits any premises to be used, for purposes connected with the promotion or conduct of the lottery; or
  - (h) causes, procures or attempts to procure any person to do any of the above mentioned acts;
- shall be guilty of an offence.

(2) In any proceedings for an offence under paragraph (1) it shall be a defence for any person charged to prove—

- (a) that the lottery to which the proceedings relate was a lottery declared not to be unlawful by Article 133 or 134 or paragraph 6(1) of Schedule 20 and that at the date of the alleged offence he believed, and had reasonable ground for believing, that none of the conditions required by that Article or paragraph to be observed in connection with the promotion and conduct of the lottery had been broken; or
- (b) that the lottery to which the proceedings relate was a society's lottery, and that at the date of the alleged offence he believed, and had reasonable ground for believing, that it was being conducted in accordance with the requirements of this Part; or
- (c) that the lottery to which the proceedings relate was not promoted wholly or partly outside Northern Ireland and constituted gaming as well as a lottery<sup>[F4]</sup>; or
- <sup>[F4]</sup>(d) that the lottery to which the proceedings relate was a lottery forming part of the National Lottery for the purposes of Part I or the National Lottery etc. Act 1993 or that at the date of the alleged offence the person charged believed, and had reasonable ground for believing, it to be such a lottery.]

(3) In any proceedings for an offence under paragraph (1) in respect of the printing, sale or possession of any tickets, advertisements or other documents or in respect of anything done with a view to or in connection with the printing, sale or export from Northern Ireland of any tickets, advertisements or other documents, it shall be a defence for any person charged to prove that at the date of the alleged offence he believed, and had reasonable ground for believing—

- (a) that the lottery to which the proceedings relate was not being, and would not be, promoted or conducted wholly or partly in Northern Ireland; and
- (b) that the tickets, advertisements or other documents were not being, and would not be, used in Northern Ireland in or in connection with that or any other lottery.

(4) Proceedings under paragraph (1)(c)(iii) in respect of any matter published in a newspaper shall not be instituted except by, or by direction of, the Director of Public Prosecutions for Northern Ireland.

(5) This Article shall not apply to—

- (a) the recalling by drawing of lots of any bonds, debentures, shares, stocks or other securities, upon the redemption thereof whether with or without interest or payment of premium or otherwise;

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**Changes to legislation:** *The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, Cross Heading: General Illegality of Lotteries is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (b) the division by lot or chance of any estate in land or any moveable property amongst the joint tenants or tenants in common thereof, or amongst other persons having joint interests therein;
- (c) the distribution by lot of premiums given as rewards to promote thrift by regularity in making periodical deposits of weekly or monthly savings in the National Savings Bank or in any Trustee Savings Bank or in the purchase of <sup>F5</sup>... National Savings Certificates out of such savings at periodic intervals; or
- (d) the use of chance to select for special benefits particular securities issued under the National Loans Act 1939 or the National Loans Act 1968, if the terms of the issue provide that the amount subscribed is to be repayable in full in the case of all the securities.

<b>F4</b>	1993 c. 39
<b>F5</b>	2004 NI 22

**Changes to legislation:**

The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, Cross Heading: General Illegality of Lotteries is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- Instrument applied by [1997 c. 16 s.15\(3\)](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

- Act applied by [1997 c. 16 s.15\(3\)](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 172A and cross-heading inserted by [2022 c. 14 \(N.I.\) s. 15\(1\)](#)
- art. 186(3A) inserted by [2022 c. 14 \(N.I.\) s. 15\(2\)\(a\)](#)