
STATUTORY INSTRUMENTS

1994 No. 1893

The Betting and Lotteries (Northern Ireland) Order 1994

Offences relating to societies' lotteries

8. In Article 139 of the principal Order (offences relating to societies' lotteries)—
- (a) in paragraph (1) (contravention of requirement of Part or of regulations made under it) for “or of any regulations made under it” there shall be substituted “, of any regulations made under it or of any order made under Article 137(4)”;
 - (b) after paragraph (3) there shall be inserted—
 - “(3A) It shall be a defence for a person charged with an offence under paragraph (1) in respect of a contravention of Article 137(11) to prove—
 - (a) that the proceeds of the lottery fell short of the sum reasonably estimated; and
 - (b) that the amount or value of the prize in question would not have contravened Article 137(11) if the proceeds of the lottery had amounted to the sum reasonably estimated; and
 - (c) that, if the amount or value of the prize had been any less, an unconditional undertaking as to prizes given in connection with the sale of tickets or chances would have been broken.”;
 - (c) after paragraph (4) there shall be inserted—
 - “(4A) It shall be a defence for any person charged with an offence under paragraph (1) in respect of an appropriation made in contravention of Article 137(15C) to prove—
 - (a) that the proceeds of the lottery fell short of the sum reasonably estimated; and
 - (b) that the appropriation was made—
 - (i) in order to fulfil an unconditional undertaking as to prizes given in connection with the sale of the relevant tickets or chances; or
 - (ii) in respect of expenses actually incurred; or
 - (iii) in order to fulfil an unconditional undertaking as to prizes given in connection with the sale of the relevant tickets or chances and in respect of expenses actually incurred; and
 - (c) that the total amounts appropriated in respect of prizes and expenses did not exceed the amounts which could lawfully have been appropriated out of the proceeds of the lottery under paragraph (15C) if the proceeds had amounted to the sum reasonably estimated.”.
 - (d) in paragraph (5) (defence in respect of contravention of Article 137, etc.) for “contravention of Article 137(4), (11) or (12)” there shall be substituted “contravention of an order made under Article 137(4) or of Article 137(12)”.