



Lotteries and Amusements Act 1976

1976 CHAPTER 32

PART III

COMPETITIONS AND AMUSEMENTS

Amusements with prizes

15 Provision of amusements with prizes at exempt entertainments

- (1) This section applies to the provision at any exempt entertainment of any amusement with prizes which constitutes a lottery or gaming or both but does not constitute—
 - (a) gaming to which Part II of the Gaming Act 1968 applies, or
 - (b) gaming by means of a machine to which Part III of that Act applies.
- (2) Where any such amusement constitutes a lottery, nothing in section 1 or 2 above shall apply to it.
- (3) In relation to any such amusement (whether it constitutes a lottery or not) the conditions set out in subsection (4) below shall be observed, and if either of those conditions is contravened every person concerned in the provision or conduct of that amusement shall be guilty of an offence unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.
- (4) The conditions referred to in subsection (3) above are—
 - (a) that the whole proceeds of the entertainment, after deducting the expenses of the entertainment, shall be devoted to purposes other than private gain; and
 - (b) that the facilities for winning prizes at amusements to which this section applies, or those facilities together with any other facilities for participating in lotteries or gaming, shall not be the only, or the only substantial, inducement to persons to attend the entertainment.
- (5) Where any payment falls to be made—

Status: This is the original version (as it was originally enacted).

- (a) by way of a hiring, maintenance or other charge in respect of a machine to which Part III of the Gaming Act 1968 applies, or
- (b) in respect of any equipment for holding a lottery or gaming at any entertainment,

then if, but only if, the amount of that charge falls to be determined wholly or partly by reference to the extent to which that or some other such machine or equipment is used for the purposes of lotteries or gaming, that payment shall be held to be an application of the proceeds of the entertainment for the purposes of private gain.

- (6) The reference to expenses in subsection (4) (a) above shall accordingly not include a reference to any charge mentioned in subsection (5) above and falling to be determined as there mentioned.

16 Provision of amusements with prizes at certain commercial entertainments

- (1) This section shall have effect for the purpose of permitting the provision of amusements with prizes where those amusements constitute a lottery or gaming or both but do not constitute gaming to which Part II of the Gaming Act 1968 applies or gaming by means of a machine to which Part III applies, and they are provided—
 - (a) on any premises in respect of which a permit under this section has been granted in accordance with Schedule 3 to this Act and is for the time being in force, or
 - (b) on any premises used mainly for the purposes of amusements by means of machines to which Part III of the Gaming Act 1968 applies, being premises in respect of which a permit granted under section 34 of that Act is for the time being in force, or
 - (c) at a pleasure fair consisting wholly or mainly of amusements provided by travelling showmen which is held on any day of the year on premises not previously used in that year on more than 27 days for the holding of such a pleasure fair.
- (2) Nothing in section 1 or 2 above shall apply in relation to amusements falling within subsection (1) above, but in relation to any such amusement the conditions set out in subsection (3) below shall be observed, and if any of those conditions is contravened every person concerned in the provision or conduct of that amusement shall be guilty of an offence unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.
- (3) The conditions referred to in subsection (2) above are—
 - (a) that the amount paid by any person for any one chance to win a prize does not exceed 10p, and
 - (b) that the aggregate amount taken by way of the sale of chances in any one determination of winners, if any, of prizes does not exceed £5, and that the sale of those chances and the declaration of the result take place on the same day and on the premises on which, and during the time when, the amusement is provided, and
 - (c) that no money prize is distributed or offered which exceeds 10p, and
 - (d) that the winning of, or the purchase of a chance to win, a prize does not entitle any person, whether or not subject to a further payment by him, to any further opportunity to win money or money's worth by taking part in any amusement with prizes or in any gaming or lottery, and

- (e) in the case of such a pleasure fair as is mentioned in subsection (1)(c) above, that the opportunity to win prizes at amusements to which this subsection applies is not the only, or the only substantial, inducement to persons to attend the fair.

(4) Schedule 3 to this Act shall have effect.

17 Restriction on grant and provisions as to duration and forfeiture of permits

- (1) No permit under section 16 above shall be granted in respect of any premises where a licence under the Gaming Act 1968 is for the time being in force in respect of them or where a club or a miners' welfare institute is for the time being registered in respect of them under Part II of that Act; and, where such a licence is granted or a club or a miners' welfare institute is so registered in respect of any premises, and a permit under section 16 above is then in force in respect of those premises, the permit shall thereupon cease to have effect.
- (2) The court by or before which the holder of a permit under section 16 above is convicted of an offence under that section in connection with the premises to which the permit relates may, if the court thinks fit, order that the permit shall be forfeited and cancelled.
- (3) An order under subsection (2) above shall be deemed for the purposes of any appeal to be part of the sentence for the offence ; and the permit shall not be forfeited or cancelled under that order—
 - (a) until the date of expiry of the period within which notice of appeal against the conviction or sentence may be given, nor
 - (b) if notice of appeal against the conviction or sentence is duly given within that period, until the date of the determination or abandonment of the appeal.
- (4) Subsection (3) above shall not apply to Scotland, but the holder of a permit in respect of which an order under subsection (2) above is made by a court in Scotland may, without prejudice to any other form of appeal under any rule of law, appeal against the order in the same manner as against a conviction; and a permit shall not be forfeited or cancelled under an order so made—
 - (a) until the expiry of the period of 14 days commencing with the date on which the order was made, nor
 - (b) if an appeal against the order or the conviction which gave rise to it is taken within that period, until the date when that appeal is determined or abandoned or deemed to have been abandoned.