



Gambling Act 2005

2005 CHAPTER 19

PART 11 **E+W+S**

LOTTERIES

Offences

258 Promotion of lottery **E+W+S**

- (1) A person commits an offence if he promotes a lottery unless—
 - (a) the exception in subsection (2) or (3) applies, or
 - (b) the lottery is an exempt lottery.
- (2) This section does not apply to activity by a person if—
 - (a) he holds an operating licence authorising the activity, and
 - (b) he acts in accordance with the terms and conditions of the licence.
- (3) This section does not apply to activity by a person if—
 - (a) he acts, otherwise than as an external lottery manager, on behalf of a person who holds an operating licence authorising the activity, and
 - (b) the activity is carried on in accordance with the terms and conditions of the licence.
- (4) It is a defence for a person charged with an offence under this section to show that he reasonably believed that—
 - (a) he was not committing the offence by reason of subsection (1)(b), (2) or (3),
 - (b) that the arrangement to which the charge relates was not a lottery, or
 - (c) that the arrangement to which the charge relates was a lottery forming part of the National Lottery.
- (5) In this Act “exempt lottery” means a lottery which is exempt by virtue of a provision of Schedule 11.

Changes to legislation: There are currently no known outstanding effects for the Gambling Act 2005, Cross Heading: Offences. (See end of Document for details)

Modifications etc. (not altering text)

- C1** S. 258 excluded (1.1.2007) by The Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006 (S.I. 2006/3272), art. 1(1), **Sch. 4 para. 68(3)-(5)**
- C2** S. 258 excluded (1.1.2007) by The Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006 (S.I. 2006/3272), art. 1(1), **Sch. 4 para. 70(3)-(5)**

Commencement Information

- I1** S. 258(1)-(4) in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)
- I2** S. 258(5) in force at 1.10.2005 for specified purposes by S.I. 2005/2455, art. 2(1), **Sch.** (with art. 3)
- I3** S. 258(5) in force at 1.9.2007 in so far as not already in force by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

259 Facilitating a lottery **E+W+S**

- (1) A person commits an offence if he facilitates a lottery unless—
- the exception in subsection (3) applies, or
 - the lottery is an exempt lottery.
- (2) For the purposes of this section a person facilitates a lottery if (and only if) he—
- prints lottery tickets for a specified lottery,
 - prints promotional material for a specified lottery, or
 - advertises a specified lottery.
- (3) This section does not apply to activity by a person if he acts in accordance with the terms and conditions of an operating licence.
- (4) It is a defence for a person charged with an offence under this section to show that he reasonably believed—
- that he was not committing the offence by reason of subsection (1)(b) or (3), or
 - that the arrangement to which the charge relates was not a lottery, or
 - that the arrangement to which the charge relates was a lottery forming part of the National Lottery.
- (5) In subsection (2)(b) “promotional material” means a document which—
- advertises a specified lottery,
 - invites participation in a specified lottery,
 - contains information about how to participate in a specified lottery, or
 - lists winners in a specified lottery.

Commencement Information

- I4** S. 259 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

260 Misusing profits of lottery **E+W+S**

- (1) This section applies to a lottery in respect of which the promoter has stated (in whatever terms) a fund-raising purpose for the promotion of the lottery.

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- (2) A person commits an offence if he uses any part of the profits of a lottery to which this section applies for a purpose other than that stated.
- (3) The reference in subsection (2) to using profits includes a reference to permitting profits to be used.
- (4) In subsection (1) the reference to a statement of a purpose for the promotion of a lottery is a reference to a statement appearing—
 - (a) on lottery tickets, or
 - (b) in an advertisement for the lottery.
- (5) In subsection (4)(b) “advertisement” in relation to a lottery includes any written notice announcing that a lottery will take place or inviting people to participate in a lottery (in either case whether or not it also gives other information).

Commencement Information

- I5** S. 260 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), Sch. 3B (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

261 Misusing profits of exempt lottery **E+W+S**

- (1) This section applies to the following kinds of lottery—
 - (a) an incidental ^{F1}... lottery (within the meaning of Part 1 of Schedule 11),
 - (b) a private society lottery (within the meaning of Part 2 of that Schedule), ^{F2}...
 - [^{F3}(ba) a work lottery and a residents’ lottery (within the meaning of Part 2 of that Schedule) except where the lottery has been organised in such a way as to ensure that no profits are made, and]
 - (c) a small society lottery (within the meaning of Part 4 of that Schedule).
- (2) A person commits an offence if he uses any part of the profits of a lottery to which this section applies for a purpose other than one for which the lottery is permitted to be promoted in accordance with Schedule 11.
- (3) Subsection (3) of section 260 shall have effect for the purpose of this section as it has effect for the purpose of that section.

Textual Amendments

- F1** Word in s. 261(1)(a) omitted (6.4.2016) by virtue of The Legislative Reform (Exempt Lotteries) Order 2016 (S.I. 2016/124), arts. 1(1), 4(1)(b)(i)
- F2** Word in s. 261(1)(b) omitted (6.4.2016) by virtue of The Legislative Reform (Exempt Lotteries) Order 2016 (S.I. 2016/124), arts. 1(1), 4(1)(b)(ii)
- F3** S. 261(1)(ba) inserted (6.4.2016) by The Legislative Reform (Exempt Lotteries) Order 2016 (S.I. 2016/124), arts. 1(1), 4(1)(b)(iii)

Commencement Information

- I6** S. 261 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), Sch. 3B (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

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262 Small society lottery: breach of condition **E+W+S**

A non-commercial society commits an offence if—

- (a) a lottery, purporting to be an exempt lottery under Part 4 of Schedule 11, is promoted on the society's behalf wholly or partly at a time when the society is not registered with a local authority in accordance with Part 5 of that Schedule,
- (b) the society fails to comply with the requirements of paragraph 39 of that Schedule, or
- (c) the society provides false or misleading information for the purposes of paragraph 39 of that Schedule.

Commencement Information

- I7** S. 262 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), Sch. 3B (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

263 Penalty **E+W+S**

- (1) A person guilty of an offence under this Part shall be liable on summary conviction to—
 - (a) imprisonment for a term not exceeding 51 weeks,
 - (b) a fine not exceeding level 5 on the standard scale, or
 - (c) both.
- (2) In the application of subsection (1) to Scotland the reference to 51 weeks shall have effect as a reference to six months.
- [^{F4}(3) In the application of subsection (1) to England and Wales in relation to an offence committed under section 261(2) by virtue of section 261(1)(ba) before section 281(5) of the Criminal Justice Act 2003 comes into force, the reference in subsection (1)(a) to 51 weeks is to be read as a reference to 6 months.]

Textual Amendments

- F4** S. 263(3) inserted (6.4.2016) by The Legislative Reform (Exempt Lotteries) Order 2016 (S.I. 2016/124), arts. 1(1), 4(1)(c)

Commencement Information

- I8** S. 263 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), Sch. 3B (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

Changes to legislation:

There are currently no known outstanding effects for the Gambling Act 2005, Cross Heading: Offences.