STATUTORY INSTRUMENTS

1985 No. 1204

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

PART IV

LOTTERIES

General Illegality of Lotteries

Illegality of lotteries

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

F1 1993 c. 39

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, barters, 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

(d) brings, or invites any person to send, into Northern Ireland**[**[F2] 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**[**[F2] 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**[**[F2]; or**]**

[[F2](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;

(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 [F3]... 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.

F2 1993 c. 39
F3 2004 NI 22

Small lotteries at exempt entertainments

Small Lotteries at exempt entertainments

133.—(1) Where a lottery is promoted as an incident of an exempt entertainment, that lottery is not unlawful, but the conditions set out in paragraph (2) shall be observed in connection with its promotion and conduct.

(2) The conditions referred to in paragraph (1) are—

(a) that the whole proceeds of the entertainment (including the proceeds of the lottery) after deducting—

(i) the expenses of the entertainment, excluding expenses incurred in connection with the lottery; and

(ii) the expenses incurred in printing tickets in the lottery; shall be devoted to purposes other than private gain;

(b) that tickets or chances in the lottery shall not be sold or issued, nor shall the result of the lottery be declared, except on the premises on which the entertainment takes place and during the progress of the entertainment; and

(c) that the facilities for participating in lotteries under this Article, 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.

(3) Regulations may impose such restrictions (in addition to those specified in paragraph (2)) as the Department may consider necessary or expedient with respect to a lottery promoted as an incident of an exempt entertainment.

(4) The person who organises the exempt entertainment shall—

(a) make and keep records and accounts relating to that entertainment;

(b) record in those accounts the purposes for which the proceeds of the entertainment are to be applied; and

(c) inform all potential participants of those purposes.

(5) Any person who organises an exempt entertainment at which a lottery is to be promoted under this Article shall, not less than 7 days before the date on which the entertainment is to take place, serve notice of the entertainment upon the sub-divisional commander of the police sub-division in which the premises where the entertainment is to take place are situated.

(6) If any of the provisions of this Article or of any regulations made under this Article is contravened in relation to any lottery, every person concerned in the promotion or conduct of that lottery shall be guilty of an offence.

(7) In any proceedings for an offence under paragraph (6) it shall be a defence for any person charged to prove that the contravention occurred without his consent or connivance and that he exercised due diligence to prevent it.

Private lotteries

Private Lotteries

134.—(1) A private lottery is not unlawful, but the following conditions shall be observed in connection with its promotion and conduct—

(a) the whole proceeds, after deducting only expenses incurred for printing and stationery, shall be devoted to the provision of prizes for purchasers of tickets or chances, or, in the case of a lottery promoted for the members of the society, shall be devoted—

(i) to the provision of such prizes; or

(ii) to purposes which are purposes of the society; or

(iii) as to part to the provision of such prizes and as to the remainder to such purposes;

(b) the total value of tickets or chances to be sold shall not exceed £1,000;

(c) there shall not be exhibited, published or distributed any written notice or advertisement of the lottery other than—

(i) a notice of it exhibited on the premises of the society for whose members it is promoted or, as the case may be, on the premises on which the persons for whom it is promoted work or reside; and

(ii) such announcement or advertisement of it as is contained in the tickets, if any;

(d) the price of every ticket or chance shall be the same, and the price of any ticket shall be stated on the ticket;

(e) every ticket shall bear upon the face of it the name and address of each of the promoters and a statement of the persons to whom the sale of tickets or chances by the promoters is restricted, and a statement that no prize won in the lottery shall be paid or delivered by the promoters to any person other than the person to whom the winning ticket or chance was sold by them, and no prize shall be paid or delivered except in accordance with that statement;

(f) no ticket or chance shall be issued or allotted by the promoters except by way of sale and upon receipt of its full price, and no money or valuable thing so received by a promoter shall in any circumstances be returned;

(g) the price shown on every ticket shall be the whole price paid for it;

(h) the total proceeds from the sale of tickets or chances shall constitute the whole proceeds of the lottery;

(i) subject to the conditions governing the lottery, participation in the lottery shall depend solely on the purchase of a ticket or chance in it;

(j) purchase of a ticket or chance in a lottery promoted by a society shall not confer membership of the society;

(k) no tickets in the lottery shall be sent through the post; and

(l) the amount of the proceeds appropriated on account of expenses (exclusive of prizes) shall not exceed whichever is the less of—

(i) the expenses actually incurred; or

(ii) 10 per cent. of those proceeds.

(2) If any of the conditions set out in paragraph (1) is contravened, each of the promoters of the lottery, and where the person by whom the condition is broken is not one of the promoters, that person also, shall be guilty of an offence.

(3) It shall be a defence for a person charged with an offence under paragraph (2) only by reason of his being a promoter of the lottery to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

(4) For the purposes of this Article, each local or affiliated branch or section of a society shall be regarded as a separate and distinct society.

(5) The Department may, by order subject to affirmative resolution, substitute for any amount specified in paragraph (1) such other amount as may be specified in the order.

Societies' lotteries

Societies' lotteries

135.—(1) Subject to the provisions of this Order, a society's lottery is not unlawful if—

(a) it is promoted in Northern Ireland; and

(b) the society is registered under Article 136; and

(c) it is promoted in accordance with a lottery scheme approved by the registered society.

(2) The whole proceeds of a society's lottery, after deducting sums lawfully appropriated on account of expenses or for the provision of prizes, shall be applied to the purposes of the registered society.

Registration of societies

136.—(1) An application for the registration of a society shall be made to the district council for the district in which the office or head office of the society is situated and a copy of the application shall be served upon the sub-divisional commander of the police sub-division in which the office or head office of the society is situated.

(2) An application under paragraph (1) shall—

(a) specify the purposes for which the society is established and conducted; and

(b) contain such other information with respect to those purposes as the district council may reasonably require; and

[[F4](bb) specify the address of the office or head office of the society; and**]**

(c) have attached to it a copy of its lottery scheme.

(3) Subject to paragraphs (4) and (5), where an application is made for the registration of a society, the district council, after hearing representations, if any, from the sub-divisional commander upon whom notice is required by paragraph (1) to be served, and on payment of a fee of**[**[F5] £35**]**, may register the society in a register kept by the district council for that purpose.

(4) A district council shall refuse to register a society, unless it is satisfied—

(a) that the society satisfies the conditions specified in the definition of "society's lottery" in Article 2(2) in relation to the purposes of the society; and

(b) that the lottery scheme is not contrary to law.

(5) A district council may refuse to register a society, if it is satisfied—

(a) that any person connected with a lottery promoted or proposed to be promoted on behalf of the society has been convicted of—

(i) an offence under Article 132 or 139(1) or (2); or

(ii) an offence under section 25 of the Betting and Lotteries Act (Northern Ireland) 1957; or

(iii) any offence involving fraud or dishonesty; or

[[F4](aa) that the address of the office or head office of the society is the same as that of the office or head office of another registered society that is established for the same or a connected purpose; or**]**

(b) that any lottery promoted by or on behalf of the society within the last 5 years has not been properly conducted.

(6) Where a district council registers a society under paragraph (3) it shall notify the society in writing.

(7) Where a registered society applies to the district council for the cancellation of the registration, the district council shall cancel the registration.

(8) Every registered society shall pay to the district council on 1st January in each year a fee of**[**[F5] £17.50**]**.

(9) A district council shall revoke the registration of a society if it is satisfied that the society has ceased to satisfy the conditions specified in the definition of "society's lottery" in Article 2(2) in relation to the purposes of the society.

(10) A district council may revoke the registration of a society if it is satisfied—

(a) that any person connected with a lottery promoted or proposed to be promoted on behalf of the society has been convicted of an offence mentioned in paragraph (5)(a)(i) to (iii); or

[[F4](aa) that the address of the office or head office of the society is the same as that of the office or head office of another registered society that is established for the same or a connected purpose; or**]**

(b) that the lottery scheme is contrary to law; or

(c) that any lottery promoted by or on behalf of the society within the last 5 years has not been properly conducted; or

(d) that the fee mentioned in paragraph (8) has not been paid; or

(e) that an officer of the council has been refused reasonable facilities to inspect the records of the society or the promotion of any lottery.

[[F4](10A) A registered society shall notify the district council of any change in the address of the society's office or head office within 21 days from the day on which the change takes effect.**]**

(11) Where a registered society changes, whether by way of substitution of a new lottery scheme or otherwise, the lottery scheme submitted to the district council under paragraph (2)(c), the society shall notify the change to the district council before any tickets or chances are sold in any lottery conducted under the new or revised lottery scheme.

(12) A district council shall serve a copy of—

(a) any notice served on it under paragraph**[**[F4] (10A) or (11)**]**,

(b) any notice served by it under Article 119, as applied by paragraph (13),

on the sub-divisional commander for the police sub-division in which the office or head office of the society to which the notice relates is situated.

(13) Article 119 shall apply to the refusal, or revocation, of registration under paragraphs (4), (5), (9) and (10) as it applies to the refusal to grant an amusement permit.

(14) Where a district council revokes the registration of a society under paragraph (9) or (10) and the society appeals, the registration shall continue until the appeal is determined or abandoned.

(15) The Department may, by order subject to affirmative resolution, substitute for the fees specified in paragraphs (3) and (8) such other fees as may be specified in the order.

F4 1994 NI 8
F5 SR 1995/343

Rules for societies' lotteries

137.—(1) In this Article "lottery" means a society's lottery.

(2) The promoter of the lottery shall be a member of the society authorised in writing by the governing body of the society to act as the promoter.

(3) Every ticket**[**[F6] distributed or sold**]** shall specify the name of the society, the name and address of the promoter and the date of the lottery.

[[F6](4) The Department may, by order subject to affirmative resolution, specify—

(a) the maximum number of lotteries that may be promoted on behalf of the same society in any year; and

(b) the minimum number of days that must elapse between the dates of any two lotteries promoted on behalf of the same society.**]**

(5) No ticket or chance in a lottery shall be sold at a price exceeding**[**[F7] £1**]**.

(6) The price of every ticket or chance shall be the same, and the price of any ticket**[**[F6] distributed or sold**]** shall be stated on the ticket.

(7) No person shall be admitted to participate in a lottery in respect of a ticket or chance except after payment to the society of the whole price of the ticket or chance; and no money received for or on account of a ticket or chance shall in any circumstances be returned.

(8) The price shown on every ticket shall be the whole price paid for it.

(9) The total proceeds from the sale of tickets or chances shall constitute the whole proceeds of the lottery.

(10) Subject to the conditions governing the lottery, participation in the lottery shall depend solely on the purchase of a ticket or chance in it.

(11) No prize in a lottery shall exceed**[**[F6] in amount or value £25,000 or 10 per cent. of the proceeds of the lottery (whichever is greater)**]**.

(12) The total value of the tickets or chances sold in a lottery shall not exceed £80,000 for any single lottery or £1,000,000 for all the lotteries promoted by any society in any year.

(13) The amount of the proceeds of a lottery appropriated for the provision of prizes shall not[F6]. . . exceed 50 per cent. of the proceeds of the lottery.

(14) The amount of the proceeds of a lottery appropriated on account of expenses (exclusive of prizes) shall not exceed whichever is the less of—

(a) the expenses actually incurred; or

(b) whichever of the amounts specified in paragraph (15) applies.

(15) The amounts referred to in paragraph (14)(b) are—

(a) where the whole proceeds of the lottery do not exceed £10,000, 20 per cent. of those proceeds; or

(b) where the whole proceeds of the lottery exceed £10,000, 15 per cent. of those proceeds.

[[F6](15A) For the purposes of paragraph (14), the amount of any expenses that are met—

(a) by the society on whose behalf the lottery is promoted, or

(b) by any beneficiary of the lottery,

shall be treated as having been appropriated on account of expenses from the proceeds of the lottery.

(15B) In paragraph (15A) "beneficiary of the lottery" means a person (other than the society on whose behalf the lottery is promoted) to whom or for whose benefit any of the proceeds of the lottery, other than amounts appropriated in respect of expenses or prizes, are lawfully paid or applied.

(15C) The amount of the proceeds of a lottery appropriated for the provision of prizes and the amount of those proceeds appropriated on account of expenses (exclusive of prizes) shall not exceed in aggregate such percentage of the whole proceeds of the lottery as the Department may specify, by order subject to affirmative resolution.**]**

(16) A society shall not employ any person as an external lottery consultant or manager unless that person holds a lottery certificate.

(17) The promoter of a lottery shall, not later than the end of the third month after the date of the lottery, send a return in such form and containing such information as regulations may prescribe to such persons as may be so prescribed.

(18) Every registered society shall keep copies of any return sent under paragraph (17) together with copies of supporting bills, receipts and accounts for a period of at least 18 months and during that period shall supply, on request, a copy of that return and these other documents to the district council or any member of the Royal Ulster Constabulary.

(19) Any officer of a district council authorised in writing in that behalf may, on production, if required, of his credentials, at any reasonable time, enter any office of a registered society and—

(a) inspect the records of the society; and

(b) inspect the promotion of any lottery.

(20) Every person who obstructs an officer of a district council in the exercise of the powers conferred by paragraph (19) shall be guilty of an offence.

(21) The Department may, by order subject to affirmative resolution substitute for any amount or percentage specified in this Article such other amount or percentage as may be specified in the order.

F6 1994 NI 8
F7 SR 1990/238

Regulation of societies' lotteries

138.—(1) Regulations may make such provision with respect to the promotion of societies' lotteries as may be considered necessary or expedient and without prejudice to the generality of the foregoing, regulations may make provision with respect to all or any of the following matters—

(a) the persons to whom and by whom tickets or chances in a lottery may or may not be sold;

(b) the rewards, if any, for persons by whom tickets are sold;

(c) the circumstances in which tickets or chances may be sold and in which persons may be invited to purchase tickets or chances;

(d) the minimum age at which any person may buy a ticket or chance;

(e) the standards of, and the conditions for the production of, tickets;

(f) any information which must, or must not, appear on a ticket;

(g) the manner in which a lottery may be advertised;

(h) the use of postal services in connection with lotteries;

(i) the matters in respect of which expenses in a lottery may be incurred;

(j) the provision of accounts in relation to any lottery and any information which may be required in respect of any lottery promoted or to be promoted;

(k) the provision of such other information as may be so prescribed.

(2) Before making any regulations under this Article, the Department shall consult such associations of district councils as appear to the Department to be concerned.

Offences relating to societies' lotteries

139.—(1) If any requirement of this Part**[**[F8], of any regulations made under it or of any order made under Article 137(4)**]** in respect of a society's lottery is contravened, the promoter of that lottery and any other person who is party to the contravention shall be guilty of an offence.

(2) If any person knowingly gives in any return sent by him under this Part any information which is false in a material particular he shall be guilty of an offence.

(3) It shall be a defence for a person charged with any offence under paragraph (1) only by reason of his being the promoter to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

[[F8](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.**]**

(4) 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(13) or (14) to prove—

(a) that the proceeds of the lottery fell short of the sum reasonably estimated; and

(b) that the appropriation was made in order to fulfil an unconditional undertaking as to prizes given in connection with the sale of the relevant tickets or chances, or in respect of expenses actually incurred; and

(c) that the total amounts appropriated in respect of prizes or expenses did not exceed the amounts which could lawfully have been appropriated out of the proceeds of the lottery under the said paragraphs if the proceeds had amounted to the sum reasonably estimated.

[[F8](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.**]**

(5) It shall be a defence for any person charged with an offence under paragraph (1) in respect of a**[**[F8] contravention of an order made under Article 137(4) or of Article 137(12)**]** to prove that the date of a lottery was later than he had expected for reasons which he could not foresee.

F8 1994 NI 8

Lottery certificates

Prohibition on acting as a lottery consultant or manager without a certificate

140. It shall be unlawful for any person to act**[**[F9] in relation to any society's lottery**]** as an external lottery consultant or manager unless he holds a lottery certificate authorising him to do so and any person acting in contravention of this Article shall be guilty of an offence.

F9 1994 NI 8

Persons to whom lottery certificates may be granted

141.—(1) A lottery certificate may be granted to an individual, to a body corporate or to 2 or more persons carrying on business in partnership.

(2) In considering the fitness of a person to hold a lottery certificate, a court shall have regard to the character, reputation and financial standing—

(a) of the applicant; and

(b) of any other person by whom the business which is or is proposed to be carried on under the certificate would be managed, or for whose benefit that business would be carried on;

but may also take into consideration any other circumstances appearing to it to be relevant in determining whether the applicant is likely to be capable of, and diligent in, securing that the provisions of this Part or any regulations made under it will be complied with.

(3) In considering the fitness of a body corporate to hold a lottery certificate, a court shall also have regard to the character, reputation and financial standing of the directors of the body corporate and any other persons who have executive control of it or who have a financial interest in it, as if the certificate were, or proposed to be held by them jointly.

(4) Subject to paragraph (5), the following persons shall be disqualified for obtaining or holding a lottery certificate—

(a) a person under the age of 21;

(b) a person who does not ordinarily reside in Northern Ireland;

(c) a person who has ordinarily resided in Northern Ireland for less than 12 months before making an application for the grant of a lottery certificate;

[[F10](d) a body corporate other than a company registered under the Companies Act 2006 in Northern Ireland.**]**

(5) For the purposes of paragraph (4) any reference to a person, where that person is a body corporate, shall be construed as a reference to the directors of that body corporate.

(6) A lottery certificate purporting to be held by any person—

(a) who is disqualified by paragraph (4) for holding or obtaining such a certificate; or

(b) in respect of whom there is in force a disqualification order under Article 151 or 152;

is void.

F10 Art. 141(4)(d) substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 65(6)** (with art. 10)

Grant of lottery certificates

142.—(1) An application for the grant of a lottery certificate shall be made to a court of summary jurisdiction.

(2) The procedure for applications for the grant of lottery certificates is set out in Schedule 16.

(3) On an application for the grant of a lottery certificate the court shall hear the objections, if any, made under Schedule 16.

(4) A court shall, subject to paragraph (5), refuse an application for the grant of a lottery certificate unless it is satisfied—

(a) that the procedure relating to the application set out in Schedule 16 has been complied with; and

(b) that the applicant is a fit person to hold a certificate; and

(c) that the applicant is not a person in respect of whom a disqualification order under Article 151 or 152 is in force; and

(d) that the applicant has not been refused the grant or renewal of a lottery certificate on the ground mentioned in sub-paragraph (b) or (e) within the immediately preceding 12 months; and

(e) that the applicant will not allow the business proposed to be carried on under the certificate to be managed by, or carried on for the benefit of, a person other than the applicant who would himself be refused the grant of a lottery certificate.

(5) A court may grant a lottery certificate notwithstanding that the procedure relating to the application set out in Schedule 16 has not been complied with if, having regard to the circumstances, it is reasonable to do so.

(6) A court may refuse an application for the grant of a lottery certificate if it is satisfied that the applicant has been convicted of an offence under this Part.

(7) Where the court refuses an application for the grant of a lottery certificate it shall specify in its order the reasons for its refusal.

Form and duration of new lottery certificates

143.—(1) A lottery certificate shall be in such form as may be prescribed by regulations.

(2) Subject to the succeeding provisions of this Article, a lottery certificate shall, unless it is revoked or is a certificate to which a disqualification order under Article 151 or 152 applies or it ceases to be in force under Article 173, remain in force from the date on which it is granted until—

(a) the expiration of the certification year in which it is granted; or

(b) if it is granted within the 3 months immediately preceding the expiration of that year, the expiration of the next following certification year.

(3) Where, at the hearing of an application for the grant of a lottery certificate, any person appears before the court and opposes the grant, but the court grants the certificate—

(a) until the expiry of the time for bringing an appeal against the grant and, if an appeal is brought, until the grant is confirmed or the appeal is abandoned, the certificate granted shall not come into force;

(b) if on appeal the grant is confirmed or if the appeal is abandoned, for the purpose of determining the period for which the certificate is to be in force the date when the appeal is disposed of shall be substituted for the date on which the certificate was granted and the clerk of petty sessions shall (if necessary) amend the certificate accordingly.

(4) Paragraph (2) shall not prejudice the operation of Articles 147 and 150 under which a lottery certificate may continue in force after the time when it would otherwise expire.

(5) Where at any time—

(a) the holder of a lottery certificate dies or is adjudged bankrupt, or his business becomes vested in the official assignee (whether before or after his death) without his being so adjudged [F11]... or a receiver of his property or a committee or guardian is appointed with power to manage the business; or

(b) in the case of a body corporate, a winding-up is commenced or a receiver is appointed as aforesaid;

except for the purposes of the renewal of the lottery certificate, the personal representative or, as the case requires, the assignees or trustee in bankruptcy, official assignee, [F12]... receiver, committee, guardian or liquidator shall be deemed to be the holder of the lottery certificate and—

(i) subject to sub-paragraph (ii), the lottery certificate shall, where it would otherwise expire under this Article or Article 148 continue in force until the end of a period of 6 months from that time unless the certificate is revoked or is a certificate to which a disqualification order under Article 151 or 152 applies or the certificate ceases to be in force under Article 173;

(ii) a court of summary jurisdiction may on the application of the person deemed to be the holder of the lottery certificate, extend the period for which that certificate continues to be in force by virtue of this paragraph if it is satisfied that no circumstances make it undesirable.

(6) Where the holder of a lottery certificate dies and he has no personal representative or his personal representative is unwilling or unable to act, the certificate shall, unless the certificate is revoked or is a certificate to which a disqualification order under Article 151 or 152 applies or the certificate ceases to be in force under Article 173, continue in force for the benefit of any person entitled in consequence of his death to a beneficial interest in the business carried on under the certificate until—

(a) the expiration of a period of 2 months from the date of his death, or

(b) paragraph (5) becomes applicable by reason of the appointment of a personal representative,

whichever first occurs.

(7) The authority conferred on any person by virtue of paragraph (5) or (6) to carry on a business under a lottery certificate shall be suspended on the expiration of the period of 2 weeks from the date when he commenced to carry on that business unless during that period he has served notice that he is carrying on the business by virtue of that paragraph (and, if he is carrying it on by virtue of paragraph (5), the capacity in which he is doing so) upon—

(a) the clerk of petty sessions for the petty sessions district, and

(b) the sub-divisional commander of the police sub-division,

in which the premises in which the business is carried on are situated; but the authority, if so suspended, shall revive upon the service of such a notice.

F11 Words in art. 143(5)(a) repealed (1.4.2016) by Insolvency (Amendment) Act (Northern Ireland) 2016 (c. 2), s. 28(2), **Sch. 4**; S.R. 2016/203, art. 2

F12 Words in art. 143(5) repealed (1.4.2016) by Insolvency (Amendment) Act (Northern Ireland) 2016 (c. 2), s. 28(2), **Sch. 4**; S.R. 2016/203, **art. 2**

Renewal of lottery certificates

144.—(1) An application for the renewal of a lottery certificate shall be made to a court of summary jurisdiction except where the certificate is renewed by the clerk of petty sessions under this Article.

(2) The procedure for applications for the renewal of lottery certificates is set out in Part I of Schedule 17.

(3) Subject to paragraph (4), where notice of an application for the renewal of a certificate otherwise than under Article 146 has been served upon the clerk of petty sessions, he may renew the lottery certificate as if the application had been made to him and may do so in the absence of the applicant.

(4) Where—

(a) a notice of objection has been served on the clerk of petty sessions and has not been withdrawn; or

(b) in the case of an application for the renewal of a lottery certificate held by a partner or a body corporate, the clerk is not satisfied that—

(i) in the case of partners, the partners; or

(ii) in the case of a body corporate, the directors or the persons who have executive control of it or who have a financial interest in it;

have not changed since the certificate was last renewed or, in the case of a first renewal of the certificate, since the certificate was granted; or

(c) the clerk is of the opinion, for any other reason, that an application for the renewal of the certificate should be made to the court;

the clerk shall require the application to be made to the court and shall notify the applicant and the objectors, if any, of the requirement and of the time and place of the hearing.

(5) Where a lottery certificate is renewed, the clerk shall note the renewal on the certificate.

Renewal of lottery certificates by a court

145.—(1) On an application for the renewal of a lottery certificate a court shall hear the objections, if any, made under Schedule 17.

(2) A court shall, subject to paragraph (3), refuse an application for the renewal of a lottery certificate unless it is satisfied—

(a) that the procedure relating to the application set out in Schedule 17 has been complied with; and

(b) that the applicant is a fit person to hold a lottery certificate; and

(c) that the applicant has not allowed the business carried on under the certificate to be managed by, or carried on for the benefit of, a person other than the applicant, who would himself be refused the grant of a lottery certificate.

(3) A court may renew a lottery certificate notwithstanding that the procedure relating to the application set out in Schedule 17 has not been complied with if, having regard to the circumstances, it is reasonable to do so.

(4) A court may refuse an application for the renewal of a lottery certificate if it is satisfied that the applicant has been convicted of an offence under this Part.

(5) Where the court refuses an application for the renewal of a lottery certificate it shall specify in its order the reasons for its refusal.

Renewal of lottery certificates out of time

146.—(1) Where the holder of a lottery certificate which falls to expire at the end of a certification year fails to serve due notice of the application for its renewal before the renewal date in that year a court of summary jurisdiction, upon application for the renewal of the lottery certificate being made not later than the end of the next following certification year, may renew the lottery certificate if it is satisfied that there was good reason for the failure.

(2) The procedure for applications under this Article for the renewal of lottery certificates is set out in Part I of Schedule 17 as modified by Part II of that Schedule.

Continuance of lottery certificates pending determination of appeal

147. Where a court refuses an application for the renewal of a lottery certificate and the holder of the certificate appeals, the certificate shall, unless it is revoked or is a certificate to which a disqualification order under Article 151 or 152 applies or it ceases to be in force under Article 173, continue in force until the appeal is determined or abandoned.

Duration of renewed lottery certificates

148.—(1) Subject to paragraph (2), on the renewal of a lottery certificate, the certificate shall, unless it is revoked or is a certificate to which a disqualification order under Article 151 or 152 applies or it ceases to be in force under Article 173, remain in force until—

(a) if it is renewed within the 3 months immediately preceding the expiration of the then current certification year, the expiration of the next following certification year, or

(b) in any other case, the expiration of the then current certification year.

(2) Paragraph (1) shall not prejudice the operation of Articles 143(5) and (6), 147 and 150 under which a lottery certificate may continue in force after the time when it would otherwise expire.

Revocation of lottery certificates

149.—(1) An application for the revocation of a lottery certificate may be made by any person to a court of summary jurisdiction on any of the following grounds—

(a) that the holder of the certificate is not a fit person to hold a lottery certificate; or

(b) that any information which, in or in connection with the application on which the certificate was granted, was given to the court by the applicant was false in a material particular; or

(c) that the holder of the certificate has been refused the grant or renewal of a lottery certificate on the ground mentioned in sub-paragraph (a) or (d) within the preceding 12 months; or

(d) that the holder of the certificate has allowed the business carried on under the certificate to be managed by, or carried on for the benefit of, a person other than the holder of the certificate who would himself be refused the grant of a lottery certificate; or

(e) that the holder of the certificate has been convicted of an offence under this Part.

(2) The procedure for applications for the revocation of lottery certificates is set out in Schedule 7.

(3) On an application for the revocation of a lottery certificate, a court shall hear the objections, if any, made under Schedule 7.

(4) A court shall refuse an application for the revocation of a lottery certificate unless it is satisfied that the application is not made on grounds which—

(a) have been, or ought to have been, raised previously by way of objection either when the lottery certificate was granted or on an occasion when it has been renewed; or

(b) are or have been the subject matter of proceedings for such an offence as is mentioned in Article 152.

(5) Where the court refuses an application for the revocation of a lottery certificate it shall specify in its order the reasons for its refusal.

Continuance of lottery certificates pending determination of appeal against revocation

150. Where a court revokes a lottery certificate and the holder of the certificate appeals, the certificate shall, unless it is a certificate to which a disqualification order under Article 152 applies or it ceases to be in force under Article 173, continue in force until the appeal is determined or abandoned.

Disqualification of holder of lottery certificate on revocation of certificate

151.—(1) Where a court of summary jurisdiction revokes a lottery certificate the court may make a disqualification order prohibiting the person to whom the lottery certificate was granted from holding such a certificate during such period, not exceeding 5 years from the date on which the order takes effect, as may be specified in the order.

(2) Where a disqualification order under paragraph (1) is made any lottery certificate within the prohibition obtained before the order is made or before it takes effect shall by virtue of the order be void as from the time the order takes effect.

(3) A disqualification order under paragraph (1) shall not take effect—

(a) until the expiry of the time for bringing an appeal against the revocation of the lottery certificate or against the making of the order, and

(b) if such an appeal is brought, until the appeal has been determined or abandoned.

Disqualification of holder of lottery certificate on conviction of offence

152.—(1) Where a holder of a lottery certificate is convicted of—

(a) an offence under Article 139(1) or (2) or 140; or

(b) any offence involving fraud or dishonesty;

the court by which he is convicted may make a disqualification order prohibiting him from holding or obtaining a lottery certificate during such period, not exceeding 5 years from the date on which the order takes effect, as may be specified in the order.

(2) Where a disqualification order under paragraph (1) is made any lottery certificate within the prohibition obtained before the order is made or before it takes effect shall by virtue of the order be void as from the time when the order takes effect.

(3) A disqualification order under paragraph (1) shall not take effect—

(a) until the expiry of the time for bringing an appeal against the conviction or against the making of the order, and

(b) if such an appeal is brought, until the appeal has been determined or abandoned.

Status:
Point in time view as at 01/04/2016.

Changes to legislation:
The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, PART IV is up to date with all changes known to be in force on or before 05 June 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.