

1994 No. 467

BETTING, GAMING AND LOTTERIES**Lotteries Regulations (Northern Ireland) 1994**

Made 29th November 1994

Coming into operation 9th January 1995

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 137(17) and 138(1) of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985(a), and of all other powers enabling it in that behalf and after consultation in accordance with Article 138(2) of that Order with such associations of district councils as appear to the Department to be concerned, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Lotteries Regulations (Northern Ireland) 1994 and shall come into operation on 9th January 1995 except that they will not have effect in relation to any lottery in respect of which any tickets or chances have been sold before that day.

(2) In these regulations—

“the Order” means the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985;

“lottery” means a society’s lottery.

Lottery returns

2.—(1) The promoter of a lottery shall send a return in the form set out in the Schedule to the district council which registered the society under Article 136 of the Order(b).

(2) The promoter shall attach to the return a copy of a ticket sold in the lottery.

Persons to whom and by whom tickets shall not be sold

3. No ticket or chance in a lottery shall be sold to or by a person who has not attained the age of sixteen years.

No ticket shall be sold in any street

4.—(1) Subject to paragraph (2), no ticket or chance in a lottery shall be sold to a person in any street.

(a) S.I. 1985/1204 (N.I. 11)

(b) Article 136 as amended by S.I. 1994/1893 (N.I. 8)

(2) Paragraph (1) shall not have effect in relation to the sale of a ticket or chance by a person present in a kiosk or shop premises having no space for the accommodation of customers.

(3) In this regulation, “street” includes any bridge, road, lane, footway, subway, square, court, alley or passage, whether a thoroughfare or not, which is open to the public without payment.

Machines

5. No ticket or chance in a lottery shall be sold by means of a machine.

Door to door selling

6. No ticket or chance in a lottery shall be sold by a person when visiting any other person at his home in the discharge of any official, professional or commercial function not connected with lotteries.

Information on tickets

7. Every ticket distributed or sold in a lottery shall specify the name of the district council which registered the society under Article 136 of the Order.

8. Where two or more lotteries are promoted by a society on the same date, the tickets to be sold in each such lottery shall indicate in which lottery they are sold by means of a serial number.

9. Where the information appearing on a ticket distributed or sold in a lottery includes any reference in writing to a person who, in relation to that lottery, has been, is or will be, employed as an external lottery consultant or manager—

- (a) the size of the lettering used in such reference shall not exceed the size of the smallest lettering used in the same ticket to specify the name of the society on whose behalf the lottery is promoted; and
- (b) that reference shall be afforded no greater prominence than is afforded to that name in the same ticket.

Winning tickets not to be identifiable before being sold

10.—(1) No request or requirement shall be made to any person supplying tickets to which this regulation applies for use in a lottery to the effect that those tickets shall be supplied in such a manner, or so marked, as to enable a ticket to be identified, before it is sold in the lottery, as a winning ticket.

(2) No tickets supplied in such a manner, or so marked, as mentioned in paragraph (1) shall be sold in a lottery.

(3) This regulation applies to lottery tickets manufactured or designed so as to conceal such information appearing in or on each ticket by way of words, figures, signs, symbols or other features as would, if revealed, indicate that the ticket is a winning ticket or is not.

(4) In this regulation, “winning ticket” means a ticket which, when sold in a lottery, entitles the holder of the ticket to claim a prize in the lottery.

Prohibition on offering a prize which depends on the purchase of more than one ticket

11.—(1) Subject to paragraph (2), no prize in a lottery shall be offered on such terms that the winning of the prize depends on the purchase of more than one ticket or chance in the lottery.

(2) The winning of a prize in a lottery may depend upon the purchase of more than one chance provided that the price of the number of chances required to win a prize does not exceed the amount specified for the purposes of Article 137(5) of the Order(a).

Prohibition on invitation to purchase any group of tickets in certain lotteries

12. No person shall be invited to purchase any group of tickets or chances in a set of lotteries in which the determination of the winners in the lotteries is designed to secure that a person holding a group of winning tickets or chances is a winner of a prize in each lottery in the set of lotteries to which that group of tickets or chances relates.

Revocations

13. The Lotteries Regulations (Northern Ireland) 1987(b) and the Lotteries (Amendment) Regulations (Northern Ireland) 1990(c) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services on 29th November 1994.

(L.S.)

J. R. Kearney

Assistant Secretary

(a) Article 137(5) as amended by S.R. 1990 No. 238

(b) S.R. 1987 No. 193

(c) S.R. 1990 No. 237

SOCIETY'S LOTTERY — RETURN BY PROMOTER

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

(To be sent by the promoter of the lottery to the district council named below not later than the end of the third month after the date of the lottery.)

PART I

To Council
(name of district council by whom the society is registered)

I,
(full forenames and surname of promoter of lottery)

of
(full residential address)

being the promoter of a lottery promoted on behalf of

.....
(name of registered society)

registered by the above-named district council under Article 136 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 hereby make the following return in respect of that lottery:

- 1. The date of the lottery was
- 2. The total proceeds from the sale of tickets or chances were £.....
- 3. The amount of the total proceeds appropriated on account of expenses (exclusive of prizes) was £....., including an amount of £.....* met by the registered society on whose behalf the lottery was promoted and an amount of £.....* met by the following [beneficiary] [beneficiaries] of the lottery:

.....
(full forenames and surname of beneficiary, or, where beneficiary is a society, the name of the society)

of
(full residential address, or, where beneficiary is a society, that of its office or head office)
(give separate details if more than one beneficiary)
(insert nil if appropriate)*

- 4. The amount of the total proceeds appropriated for the provision of prizes was £.....

5. The purpose[s] to which the proceeds of the lottery were applied [was] [were]

.....

(give separate details if more than one purpose)

6. The amount of the proceeds which was applied for the purpose[s] named above was

.....

.....

(give separate details if more than one purpose)

7.
(full forenames and surname of holder of lottery certificate, or, where holder of certificate is a body corporate, title of body)

of
(full address, or, where holder of certificate is a body corporate, that of its registered or principal office)

acted as an external lottery consultant or manager in the promotion of the lottery.

8. A copy of a ticket sold in the said lottery is attached.

I hereby certify that I am a member of the said society and have been duly authorised in writing by the governing body of that society to act as the promoter of this lottery.

Dated the day of 19

Signed

Occupation

PART II

CERTIFICATION OF LOTTERY RETURN

I, the undersigned, being a qualified accountant within the meaning of Article 2(2) of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985(a) hereby certify that

I have examined the accounts relating to the above lottery and to the best of my information and belief the information contained in this return is correct.

Dated the day of 19

.....
(signature of qualified accountant)

.....
(address)

(a) Article 2(2) as amended by S.R. 1993 No. 67

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations replace the Lotteries Regulations (Northern Ireland) 1987 ("the 1987 Regulations") and the Lotteries (Amendment) Regulations (Northern Ireland) 1990 ("the 1990 Regulations") with effect from 9th January 1995.

They make provision in relation to the operation of a society's lottery promoted by a society registered by the appropriate district council under Article 136 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 ("the Order").

Regulation 2 prescribes the form of the return which the promoter of a society's lottery must make within 3 months after the date of the lottery to the district council which registered the society. The form set out in the Schedule differs from that prescribed by the 1987 Regulations by the inclusion of a reference in paragraph 3 to the amount of expenses (other than prizes) of a society's lottery met by the registered society promoting the lottery or a beneficiary of that lottery.

Regulations 3 to 6 impose restrictions as to the sale of tickets or chances in a lottery. They differ from the 1987 Regulations by:

- omitting the restriction in regulation 5 of the 1987 Regulations which prevented the sale of tickets or chances in amusement arcades and bingo clubs; the sale of tickets or chances in licensed bookmaking offices remains prohibited by Article 32(5) of the Order; and

- extending the prohibition on the sale of tickets or chances by a vending machine to include any machine (regulation 5 of these regulations).

Regulation 7 requires the name of the district council which registered the society on whose behalf the lottery is being promoted, to be specified on tickets distributed or sold. The reference to tickets “distributed or sold” is new.

Regulation 8 is a new provision which applies when a society promotes more than one lottery on the same date. The tickets sold in each such lottery must bear a serial number to show the lottery in which they are sold.

Regulation 9 restricts the form in which tickets distributed or sold in a lottery may refer to any external lottery consultant or manager employed by the society on whose behalf the lottery is being promoted. This restriction previously extended also to notices or advertisements of the lottery (regulation 9 of the 1987 Regulations). The reference to tickets “distributed or sold” is new.

Regulation 10 prevents the supply, for use in what is commonly known as an “instant lottery”, of tickets which are identifiable as winning tickets prior to sale.

Regulation 11 prohibits the offering of a lottery prize which can be won only through the purchase of more than one ticket or chance in a lottery. The new paragraph (2) has been added to provide that this prohibition does not apply where a prize depends on the purchase of more than one chance and the total price of those chances does not exceed that specified in Article 137(5) of the Order (presently £1).

Regulation 12 prohibits an invitation to purchase a group of tickets or chances in a set of lotteries in which the determination of winners is combined to secure that the holder of a group of winning tickets will be the winner in each of the lotteries for which he has bought tickets or chances.