

SCHEDULES

SCHEDULE 4

Section 25.

CONSEQUENTIAL AMENDMENTS

Gaming Act 1968

- 1 In section 1(2)(c) of the Gaming Act 1968 (gaming to which Part I of that Act applies) for the words from the first " in " to " 1963 " there shall be substituted the words " as mentioned in section 15(1) or 16(1) of the Lotteries and Amusements Act 1976 ".
- 2 In section 34(1)(c) of that Act (uses of machines) for the words " section 49 of the Act of 1963 " there shall be substituted the words " section 16 of the Lotteries and Amusements Act 1976 ".
- 3 In section 41(1)(c) of that Act (gaming at entertainments not held for private gain) for the words from the first " in " to " 1963 " there shall be substituted the words " as mentioned in section 15(1) or 16(1) of the Lotteries and Amusements Act 1976 ".
- 4 In section 42(2)(d) of that Act (restrictions on advertisements relating to gaming) for the words from " 4 " to " 49 " there shall be substituted the words " 3 of Schedule 3 to the Lotteries and Amusements Act 1976 applies and in respect of which a permit under section 16 ".
- 5 The following section shall be added after section 51 of that Act:—

“51A Meaning of " private gain " in relation to non-commercial entertainments.

- (1) In construing sections 33 and 41 of this Act, proceeds of any entertainment, lottery or gaming promoted on behalf of a society to which this subsection extends which are applied for any purpose calculated to benefit the society as a whole shall not be held to be applied for purposes of private gain by reason only that their application for that purpose results in benefit to any person as an individual.
- (2) Subsection (1) above extends to any society which is established and conducted either—
 - (a) wholly for purposes other than purposes of any commercial undertaking ; or
 - (b) wholly or mainly for the purpose of participation in or support of athletic sports or athletic games ;and in this section " society " includes any club, institution, organisation or association of persons, by whatever name called, and any separate branch or section of such a club, institution, organisation or association.
- (3) For the purposes of sections 33 and 41 of this Act, where any payment falls to be made by way of a hiring, maintenance or other charge in respect of a

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machine to which Part III of this Act applies or 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 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 (1) In subsection (1) of section 52 of that Act (interpretation) after the definition of " machine " there shall be inserted the following definition:—
- “" newspaper " includes any journal, magazine or other periodical publication ;”
- (2) In subsection (3)(a) of that section for the words from " section 43(1) " to the end of the sub-paragraph there shall be substituted the words " section 3 (small lotteries incidental to certain entertainment), 4 (private lotteries), 5 (societies' lotteries) or 6 (local lotteries) of the Lotteries and Amusements Act 1976 and ".

Pool Competitions Act 1971

- 7 (1) In section 2(5) of the Pool Competitions Act 1971 (licence to promote competitions) at the end of paragraph (c) there shall be inserted—
- “and
- (d) the Lotteries and Amusements Act 1976”.
- (2) In section 6(1) of that Act (offences for which consent to prosecute is required)—
- (a) in paragraph (a), for the words " section 42 or section 47 of the Betting, Gaming and Lotteries Act 1963 " there shall be substituted the words " section 2 or section 14 of the Lotteries and Amusements Act 1976 ";
- (b) in paragraph (b), for the words " that Act " there shall be substituted the words " the Betting, Gaming and Lotteries Act 1963 ".

Betting and Gaming Duties Act 1972

- 8 (1) In section 6 of the Betting and Gaming Duties Act 1972 (pool betting duty), for paragraph (b) of subsection (3) there shall be substituted the following paragraph:—
- “(b) " bet " does not include the taking of a ticket or chance—
- (i) in any lottery which is declared by section 3, 4 or 25(6) of the Lotteries and Amusements Act 1976 not to be unlawful; or
- (ii) in any society's lottery or local lottery within the meaning of section 5 or 6 of that Act, in which the relevant monetary limits are not exceeded (disregarding any variation of those limits made by order under section 18 of that Act).”
- (2) For subsection (4) of that section (which was added by paragraph 3(b) of Schedule 3 to the Lotteries Act 1975) there shall be substituted the following subsection:—
- “(4) In subsection (3) above "relevant monetary limits" means the limits referred to in section 5(4) (a) and subsections (2), (5) (6) and (8) of section 11 of the said Act of 1976.”.

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Local Government Act 1974

- 9 In section 1(4) of the Local Government Act 1974 (relevant expenditure for purposes of rate support grant) for the words " and section 5(3) of the Lotteries Act 1975 " (which were inserted by that Act) there shall be substituted the words " and section 8(3) of the Lotteries and Amusements Act 1976 ".