

*Status: Point in time view as at 01/04/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 5.

#### [<sup>F1</sup>REGISTRATION OF SOCIETIES BY LOCAL AUTHORITIES]

##### Textual Amendments

- F1** Heading to Sch. 1 substituted (3.5.1994) by 1993 c. 39, s. 48(5), **Sch. 7 Pt. I para. 9**; S.I. 1994/1055, **art. 2**

##### Modifications etc. (not altering text)

- C1** **Sch. 1**: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, **reg. 2(1)**, **Sch. 1** Table B(10)

### PART I

#### REGISTRATION

1 <sup>F2</sup>(1) .....

- (2) [<sup>F3</sup>In this Act]“registration authority”, in relation to any society, means—
- (a) in England, a London borough council, a district council, the Common Council of the City of London, or the Council of the Isles of Scilly;
  - (b) in Wales, a [<sup>F4</sup>county council or county borough]council;
  - (c) in Scotland, [<sup>F5</sup>a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994],

being the authority within whose area the office or head office of the society is situated.

##### Textual Amendments

- F2** **Sch. 1 para. 1(1)** repealed (3.5.1994) by 1993 c. 39, ss. 48(5), 64, **Sch. 7, Pt. I para. 2(a)**, **Sch. 10**; S.I. 1994/1055, **art. 2**
- F3** Words in **Sch. 1 para. 1(2)** substituted (3.5.1994) by 1993 c. 39, s. 48(5), **Sch. 7 Pt. I para. 2(b)**; S.I. 1994/1055, **art. 2**
- F4** Words in **Sch. 1 para. 1(2)(b)** substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 50(2)** (with **Sch. 17 paras. 22(1), 23(2)**); S.I. 1996/396, **art. 4**, **Sch. 2**
- F5** Words in **Sch. 1 para. 1(2)(c)** substituted (1.4.1996) (S.) by 1994 c. 39, s. 180(1), **Sch. 13 para. 104(3)**; S.I. 1996/323, **art. 2**

2 [<sup>F6</sup>An application to the registration authority for the registration of a society] shall specify the purposes for which the society is established and conducted.

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**Textual Amendments**

**F6** Words in **Sch. 1 para. 1(2)** substituted (3.5.1994) by **1993 c. 39, s. 48(5), Sch. 7 Pt. I para. 3; S.I. 1994/1055, art. 2**

- 3 Subject to the provisions of this Schedule, upon application being duly made on behalf of a society and upon payment of a fee of [<sup>F7</sup>£35], the registration authority shall register the society in a register to be kept for the purposes of section 5 above and notify the society in writing that they have done so.

**Textual Amendments**

**F7** Fee in **Sch. 1 para. 3** substituted (E.W.) (2.12.1991) by **S.I. 1991/2178, art. 2** and (S.) (2.12.1991) by **S.I. 1991/2498, art.2**

- [<sup>F8</sup>3A (1) The registration authority shall refuse or revoke the registration of the society under this Part of this Schedule if the Board have refused or revoked the registration of the society under Schedule 1A below within the last five years.
- (2) Sub-paragraph (1) above does not apply where the ground for the Board's refusal or revocation was that specified in paragraph 3(2)(e) of Schedule 1A below.
- (3) Where the registration authority refuse or revoke the registration of a society under sub-paragraph (1) above, they shall notify the society in writing that they have done so.]

**Textual Amendments**

**F8** **Sch. 1 para. 3A** inserted (3.5.1994) by **1993 c. 39, s. 48(5), Sch. 7 Pt. I, para.4; S.I. 1994/1055, art. 2**

- 4 (1) The registration authority may, after giving the society an opportunity of being heard, refuse or revoke the registration of the society under this Part of this Schedule if it appears to the authority—
- [<sup>F9</sup>(a) that any person who is or will be a person connected with a lottery promoted or proposed to be promoted on behalf of the society has been convicted of an offence to which this paragraph applies; or]
- (b) that the society does not satisfy or has ceased to satisfy the conditions specified in section 5(1) above [<sup>F10</sup>; or
- (c) that any information given by the society to the authority in or in connection with the society's application for registration was false in a material particular.]
- (2) This paragraph applies to any of the following offences, namely—
- (a) an offence under section 2 or 13 above;
- (b) an offence under paragraph 14 below [<sup>F11</sup>paragraph 14 of Schedule 1A below, paragraph 8 or 9 of Schedule 2 below, paragraph 12 of Schedule 2A below] or paragraph 12 of Schedule 7 to the <sup>M1</sup>Betting, Gaming and Lotteries Act 1963;
- (c) an offence under section 42 or 45 of that Act; and
- (d) an offence involving fraud or dishonesty.

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- [<sup>F12</sup>(3) For the purposes of sub-paragraph (1)(a) above, a person connected with a lottery is a person who is or has been—
- (a) involved in the promotion of the lottery; or
  - (b) employed for reward in connection with the promotion of any other lottery on behalf of the same society.]

#### Textual Amendments

- F9** Sch. 1 para. 4(1)(a) substituted (3.5.1994) by 1993 c. 39, s. 48(5), **Sch. 7 Pt. I para. 5(1)(a)**
- F10** Sch. 1 para. 4(1)(c) and word immediately preceding it substituted (3.5.1994) by 1993 c. 39, s. 48(5), **Sch. 7 Pt. I para. 5(1)(b)**; S.I. 1994/1055, **art. 2**
- F11** Words in Sch. 1 para. 4(2) inserted (3.5.1994) by 1993 c. 39, ss. 48(5), **Sch. 7 Pt. I para. 5(1)(c)**
- F12** Sch. 1 para. 4(3) added (3.5.1994) by 1993 c. 39, s. 48(5), **Sch. 7 Pt. I para. 5(1)(d)**; S.I. 1994/1055, **art. 2**

#### Marginal Citations

- M1** 1963 c. 2.

- [<sup>F13</sup>4A The registration authority may, after giving the society an opportunity of being heard, revoke the registration of the society under this Part of this Schedule if it appears to the authority that the society has failed to comply with a requirement imposed on it under paragraph 16 below.]

#### Textual Amendments

- F13** Sch. 1 para. 4A inserted (3.5.1994) by 1993 c. 39, s. 48(5), **Sch. 7 Pt. I para. 5(2)**; S.I. 1994/1055, **art. 2**

- 5 Where the registration of any society has been refused or revoked under [<sup>F14</sup>paragraph 4 or 4A] above by a registration authority in England or Wales, that authority shall forthwith notify the society of the refusal or revocation and the society may appeal to the Crown Court, and any such appeal shall be commenced by giving notice to the appropriate officer of the Crown Court and to the registration authority within 21 days of the day on which notice of the refusal or revocation is given to the society.

#### Textual Amendments

- F14** Words in Sch. 1 paras. 5, 6 and 7 substituted (3.5.1994) by 1993 c. 39, s. 48(5), **Sch. 7 Pt. I para. 6**; S.I. 1994/1055, **art. 2**

- 6 Where the registration of any society has been refused or revoked under [<sup>F15</sup>paragraph 4 or 4A] of this Schedule by a registration authority in Scotland, that authority shall forthwith notify the society of the refusal or revocation, and the society may appeal, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by act of sederunt, to the sheriff having jurisdiction in the registration authority's area, and on any such appeal the decision of the sheriff shall be final and may include such order as to the expenses of the appeal as he thinks proper.

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#### Textual Amendments

**F15** Words in [Sch. 1 paras. 5, 6 and 7](#) substituted (3.5.1994) by [1993 c. 39, s. 48\(5\)](#), [Sch. 7 Pt. I para. 6](#); [S.I. 1994/1055, art. 2](#)

- 7 Where the registration authority revoke a registration under [<sup>F16</sup>paragraph 4 or 4A] above, then, until the time within which notice of appeal under paragraph 5 or 6 above may be given has expired and, if such notice is duly given, until the determination or abandonment of the appeal, the registration shall be deemed to continue in force, and if the Crown Court or, as the case may be, the sheriff confirms the decision of the registration authority, the Court or the sheriff may, if it or he thinks fit, order that the registration shall continue in force for a further period not exceeding two months from the date of the order.

#### Textual Amendments

**F16** Words in [Sch. 1 paras. 5, 6 and 7](#) substituted (3.5.1994) by [1993 c. 39, s. 48\(5\)](#) [Sch. 7 Pt. I para.6](#); [S.I. 1994/1055, art. 2](#)

- 8 A society which is for the time being registered under this Part of this Schedule may at any time apply to the registration authority for the cancellation of the registration; and in any such case the authority shall cancel the registration accordingly.
- 9 Every society which is registered under this Part of this Schedule shall pay to the registration authority on 1st January in each year while it is registered a fee of [<sup>F17</sup>£17.50], and any such fee which remains unpaid after the date on which it becomes payable may be recovered by the authority as a debt.

#### Textual Amendments

**F17** Fee in [Sch. 1 para. 9](#) substituted (E.W.) (2.12.1991) by [S.I. 1991/2178, art. 3](#) and (S.) (2.12.1991) by [S.I. 1991/2498, art.3](#)

- 10 Subject to the provisions of this Schedule, the registration of any society under Schedule 7 to the <sup>M2</sup>Betting, Gaming and Lotteries Act 1963 shall have effect as registration under this Schedule.

#### Marginal Citations

**M2** [1963 c. 2.](#)

## PART II

### RETURNS

PROSPECTIVE

*Status: Point in time view as at 01/04/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

#### Textual Amendments

**F18** Act repealed (1.9.2007) by **Gambling Act 2005 (c. 19)**, ss. 356(3), 358(1), **Sch. 17** (with ss. 352, 354); S.I. 2006/3272, art. 5 (with arts. 7-12, Sch. 4)

- 12 Paragraph 11 above shall not apply to a society's lottery [<sup>F19</sup>if on the date of the lottery the society was registered with the Board under Schedule 1A below.]

#### Textual Amendments

**F19** Words in **Sch. 1 para. 12** substituted (3.5.1994) by 1993 c. 39, s. 48(5), **Sch. 7 Pt. I para.8**; S.I. 1994/1055, art. 2

- 13 The registration authority shall preserve any return sent to them under paragraph 11 above for a period of at least 18 months, and during that period shall keep it deposited at their office and permit any member of the public to inspect it during office hours free of charge.
- 14 Any person who fails to send a return in accordance with the provisions of this Part of this Schedule, or who knowingly gives in any such return sent by him any information which is false in a material particular, or who certifies any such return knowing it to contain such information, shall be guilty of an offence.
- [<sup>F20</sup>15 (1) Where it appears to the registration authority that section 5(3C) above applies to a lottery in respect of which a return has been sent to them under paragraph 11 above, they shall notify the Board in writing of that fact.
- (2) The notification shall have attached to it a copy of the return and of all other returns sent to the registration authority in respect of the earlier lotteries mentioned in section 5(3C)(b) above.]

#### Textual Amendments

**F20** **Sch. 1 paras. 15, 16** added (3.5.1994) by 1993 c. 39, s. 48(5), **Sch. 7 Pt. I para. 9**; S.I. 1994/1055, art. 2

- [<sup>F21</sup>16 The registration authority may require a society that is registered under this Part of this Schedule—
- (a) to allow the authority to inspect and take copies of any documents of the society, including any information kept by the society otherwise than in writing, relating to any lottery promoted on behalf of the society; and
- (b) where such information is kept by means of a computer, to give the authority such assistance as they may require to enable them to inspect and take copies of the information in a visible and legible form and to inspect and check the operation of any computer, and any associated apparatus or material, that is or has been in use in connection with the keeping of the information.]

#### Textual Amendments

**F21** **Sch. 1 paras. 15, 16** added (3.5.1994) by 1993 c. 39, s. 48(5), **Sch. 7 Pt. I para.9**; S.I. 1994/1055, art. 2

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## [<sup>F22</sup>SCHEDULE 1A

### REGISTRATION OF SOCIETIES BY THE GAMING BOARD

#### Textual Amendments

**F22** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), **Sch. 7 Pt.II**; S.I. 1994/1055, **art. 2**

## [<sup>F23</sup>PART I

### REGISTRATION

#### Textual Amendments

**F23** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), **Sch. 7 Pt.II**; S.I. 1994/1055, **art. 2**

- <sup>F24</sup><sub>1</sub> An application to the Board for the registration of a society shall—
- (a) specify the address of the office or head office of the society,
  - (b) specify the purposes for which the society is established and conducted, and
  - (c) have attached to it a copy of any scheme approved by the society under section 5(3)(c) above.

#### Textual Amendments

**F24** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), **Sch. 7 Pt.II**; S.I. 1994/1055, **art. 2**

- <sup>F25</sup><sub>2</sub> (1) Subject to the provisions of this Schedule, upon application being duly made on behalf of a society and upon payment of a prescribed fee, the Board shall register the society in a register to be kept for the purposes of section 5 above and notify the society in writing that they have done so.
- (2) Any fees received by the Board by virtue of this paragraph shall be paid into the Consolidated Fund.

#### Textual Amendments

**F25** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), **Sch. 7 Pt.II**; S.I. 1994/1055, **art. 2**

- <sup>F26</sup><sub>3</sub> (1) The Board shall refuse or revoke the registration of a society under this Schedule if any scheme attached to its application for registration, or any other scheme subsequently approved by the society under section 5(3)(c) above, is contrary to law.
- (2) The Board may refuse or revoke the registration of a society under this Schedule if it appears to the Board—
- (a) that the ground specified in paragraph 4(1)(a) or (b) of Schedule 1 above applies;
  - (b) that any information given by the society to the Board in or in connection with the society's application for registration was false in a material particular;

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- (c) 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 society that is established for the same or a connected purpose and is registered under this Schedule;
  - (d) that any lottery promoted on behalf of the society within the last five years has not been properly conducted;
  - (e) that any fees payable by the society under this Act have not been paid;
  - (f) that the society has failed to comply with a requirement imposed on it under paragraph 12 below; or
  - (g) that an act or omission of a person who is or will be a person connected with a lottery promoted or proposed to be promoted on behalf of the society was a cause—
    - (i) of the registration of another society being refused or revoked on the ground specified in paragraph (b) or (f) above or under sub-paragraph (5) below;
    - (i) of the registration of a scheme being refused or revoked on a ground specified in paragraph 3(1)(e) or 4(2)(c) of Schedule 2 below; or
    - (iii) of a relevant lottery, in the promotion of which the person was involved, not being properly conducted.
- (3) In considering whether sub-paragraph (2)(g) above applies, the Board shall disregard any act or omission that occurred more than five years previously.
- (4) For the purposes of sub-paragraph (2)(g) above—
- (a) a person connected with a lottery is a person who is or has been—
    - (i) involved in the promotion of the lottery; or
    - (ii) employed for reward in connection with the promotion of any other lottery on behalf of the same society; and
  - (b) “relevant lottery”, in relation to a society and a person, means a lottery promoted—
    - (i) on behalf of another society that at the time of the person’s involvement with the promotion of the lottery was registered with the Board; or
    - (ii) under a scheme that at the time of the person’s involvement with the promotion of the lottery was registered with the Board.
- (5) The Board may revoke the registration of a society under this Schedule if it appears to the Board that the society has failed to comply with a requirement imposed on it by or under paragraph 7, 8, 9, 11 or 13 below.
- (6) The Board shall not refuse or revoke the registration of a society without giving the society an opportunity of being heard.
- (7) Where the Board refuse or revoke the registration of a society, they shall notify the society and, except in the case of a refusal or revocation on the ground specified in sub-paragraph (2)(e) above, the registration authority in writing of the refusal or revocation and the ground for it.
- (8) The revocation of the registration of a society under this Schedule shall not have effect in relation to any lottery in respect of which any tickets or chances have already been sold at the date of revocation.

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**Textual Amendments**

**F26** Sch. 1A inserted (3.5.1994) by 1993 c. 39, ss. 48(6), 65, Sch. 7 Pt.II; S.I. 1994/1055, art. 2

- <sup>F27</sup>4 (1) The Secretary of State may direct the Board—
- (a) to register under this Schedule any society that they have refused to register on any ground mentioned in paragraph 3(2) above; or
  - (b) to restore any registration that the Board have revoked on any ground mentioned in paragraph 3(2) or (5) above;
- and the Board shall give effect to any such direction.
- (2) The Board shall notify the society and the registration authority in writing of any direction that has been given to the Board under sub-paragraph (1) above.
- (3) The restoration of any registration under sub-paragraph (1) above shall have effect from the date of revocation or such later date as may be specified in the direction.

**Textual Amendments**

**F27** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), Sch. 7 Pt.II; S.I. 1994/1055, art. 2

- <sup>F28</sup>5 The Board shall cancel the registration of a society under this Schedule if the society requests them to do so.

**Textual Amendments**

**F28** Sch. 1A inserted (3.5.1994) by 1993 c. 39, ss. 48(6), 65, Sch. 7 Pt.II

- <sup>F29</sup>6 (1) A society that is registered under this Schedule shall pay to the Board—
- (a) a prescribed fee at such intervals whilst the society is so registered as the Secretary of State may by order direct; and
  - (b) a prescribed fee for each society's lottery promoted on behalf of the society whilst it is so registered.
- (2) Any fees received by the Board by virtue of this paragraph shall be paid into the Consolidated Fund.

**Textual Amendments**

**F29** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), Sch. 7 Pt.II; S.I. 1994/1055, art. 2

<sup>F30</sup>**PART II**

INFORMATION

**Textual Amendments**

**F30** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), Sch. 7 Pt. II; S.I. 1994/1055, art. 2



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- <sup>F317</sup> A society registered under this Schedule shall notify the Board in writing of any change in the address of the society's office or head office within the period of twenty-one days beginning with the day on which the change takes effect.

**Textual Amendments**

**F31** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), Sch. 7 Pt. II; S.I. 1994/1055, art. 2

- <sup>F328</sup> (1) A society registered under this Schedule shall notify the Board in writing of any modification of a scheme approved by the society under section 5(3)(c) above.
- (2) A copy of the scheme as modified shall be attached to the notification.
- (3) The notification shall be given to the Board at least four weeks before any tickets or chances in a lottery promoted in accordance with the scheme as modified are sold, distributed or offered for sale.
- (4) In this paragraph references to the modification of a scheme include the substitution for that scheme of another scheme (and references to the scheme as modified are to be read accordingly).

**Textual Amendments**

**F32** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), Sch. 7 Pt. II; S.I. 1994/1055, art. 2

- <sup>F339</sup> (1) Where a society is registered under this Schedule on the date of a society's lottery promoted on its behalf, it shall, before the end of the period of three months beginning with that date, send a return in respect of the lottery to the Board.
- (2) The return shall be in such form and contain such information as the Board may direct.
- (3) A direction under sub-paragraph (2) above shall be given in writing and may be varied or revoked by a subsequent direction.

**Textual Amendments**

**F33** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), Sch. 7 Pt. II; S.I. 1994/1055, art. 2

- <sup>F3410</sup> (1) The Board shall preserve any return sent to them under paragraph 9 above for a period of at least eighteen months, and during that period shall keep it deposited at their office and permit any member of the public to inspect it during office hours on payment of a prescribed fee.
- (2) Any fees received by the Board by virtue of this paragraph shall be paid into the Consolidated Fund.

**Textual Amendments**

**F34** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), Sch. 7 Pt. II; S.I. 1994/1055, art. 2

- <sup>F3511</sup> (1) A society registered under this Schedule shall preserve all documents of the society, including all information kept by the society otherwise than in writing, relating to

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a lottery promoted on the society's behalf until the end of the period of two years beginning with the date of the lottery.

- (2) The Board may direct that, subject to such conditions as may be specified in the direction, sub-paragraph (1) above shall not apply to documents or information specified, or of a description specified, in the direction.
- (3) A direction under sub-paragraph (2) above shall be given in writing and may be varied or revoked by a subsequent direction.

#### Textual Amendments

**F35** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), Sch. 7 Pt. II; S.I. 1994/1055, art. 2

<sup>F36</sup>12 The Board may require a society that is registered or has applied to be registered under this Schedule—

- (a) to provide the Board with such information relating to any lottery promoted or to be promoted on behalf of the society as they may require;
- (b) to allow the Board to inspect and take copies of any documents of the society, including any information kept by the society otherwise than in writing, relating to such a lottery;
- (c) where such information is kept by means of a computer, to give the Board such assistance as they may require to enable them to inspect and take copies of the information in a visible and legible form and to inspect and check the operation of any computer, and any associated apparatus or material, that is or has been in use in connection with the keeping of the information;
- (d) to allow the Board to inspect any aspect of the management of such a lottery.

#### Textual Amendments

**F36** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), Sch. 7 Pt. II; S.I. 1994/1055, art. 2

<sup>F37</sup>13 (1) Subject to sub-paragraph (10) below, where the total value of the tickets or chances sold in all lotteries held in any one year and promoted on behalf of the same society is more than £100,000 and any of those lotteries is a lottery to which section 5(3B), (3C) or (3D) above applies, the society shall send to the Board accounts in respect of those lotteries together with a report on the accounts prepared by a qualifying auditor.

- (2) The accounts shall be sent to the Board within ten months of the end of the year in which the lotteries to which they relate were held.
- (3) Accounts under this paragraph shall comply with any directions given by the Board as to the information to be contained in such accounts, the manner in which such information is to be presented or the methods and principles according to which such accounts are to be prepared.
- (4) Any directions under sub-paragraph (3) above shall be given in writing and may be varied or revoked by subsequent directions.
- (5) In sub-paragraph (1) above “qualifying auditor” means a person who—

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- (a) is eligible for appointment as a company auditor under section 25 of the <sup>M3</sup>Companies Act 1989; and
  - (b) is not disqualified by sub-paragraph (6) below.
- (6) The following persons are disqualified—
- (a) a member of the society;
  - (b) a partner, officer or employee of such a member;
  - (c) a partnership of which a person disqualified by paragraph (a) or (b) above is a member.
- (7) The auditor’s report on any accounts under this paragraph shall state whether in the auditor’s opinion the accounts have been properly prepared in accordance with any directions given under sub-paragraph (3) above.
- (8) The auditor shall, in preparing his report, carry out such investigations as will enable him to form an opinion as to—
- (a) whether proper accounting records have been kept by the society; and
  - (b) whether the society’s accounts are in agreement with the accounting records.
- (9) If the auditor fails to obtain all the information and explanations that, to the best of his knowledge and belief, are necessary for the purposes of his audit, his report shall state that fact.
- (10) Sub-paragraph (1) above does not apply to a society in relation to any year if the promotion of every lottery promoted on behalf of the society held in that year is managed by a person certified under Schedule 2A below as a lottery manager.
- (11) For the purposes of this paragraph a lottery is held in the year in which the date of the lottery falls.
- (12) In this paragraph “year” means a period of twelve months beginning with 1st January.

**Textual Amendments**

**F37** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), Sch. 7 Pt. II; S.I. 1994/1055, art. 2

**Marginal Citations**

**M3** 1989 c. 40.

- <sup>F38</sup>14 (1) Any person who, in pursuance of a requirement imposed by or under paragraph 7, 9, 12 or 13 above, knowingly or recklessly gives to the Board any information which is false in a material particular shall be guilty of an offence.
- (2) Any person who knowingly or recklessly includes in a report under paragraph 13 above any information which is false in a material particular shall be guilty of an offence.]

**Textual Amendments**

**F38** Sch. 1A inserted (3.5.1994) by 1993 c. 39, s. 48(6), Sch. 7 Pt. II; S.I. 1994/1055, art. 2

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SCHEDULE 2

Section 9.

REGISTRATION OF SCHEMES

1 A local authority shall submit to the Board any scheme approved by the authority under section 6(2)(b) above.

F39<sup>2</sup> .....

**Textual Amendments**  
F39 Sch. 2 para. 2 repealed (3.5.1994) by 1993 c. 39, s. 49(4), Sch. 8 para. 1, Sch.10; S.I. 1994/1055, art. 2

3 (1) The Board shall register a scheme submitted to them under this Schedule [F40, and notify the local authority in writing that they have done so,] unless—

- [F41(a) .....]
- (b) the scheme is contrary to law; or
- (c) except where the Secretary of State otherwise directs, the Board is not satisfied either—
  - (i) that all lotteries promoted by or on behalf of the [F42]local authority]within the last five years have been properly conducted; or
  - (ii) that all fees payable [F43]by the local authority] under this Act have been paid; or
  - [F44](iii) that all the requirements of the Board under paragraph 6 below have been complied with; or]
- (d) except where the Secretary of State otherwise directs, it appears to the Board that an unsuitable person will be [F45]a person conncted with] a lottery under the scheme [F46 ; or
- (e) except where the Secretary of State otherwise directs, it appears to the Board that the local authority—
  - (i) have given to the Board in or in connection with the authority’s application for registration of the scheme any information which was false in a material particular; or
  - (ii) have failed to comply with a requirement imposed on them under paragraph 6C below; or
- (f) except where the Secretary of State otherwise directs, it appears to the Board that an act or omission of a person who will be a person connected with a lottery under the scheme was a cause—
  - (i) of the registration of another scheme being refused or revoked on a ground specified in paragraph (e) above or paragraph 4(2)(c) below;
  - (ii) of the registration of a society being refused or revoked on the ground specified in paragraph 3(2)(b) or (f) of Schedule 1A above or under paragraph 3(5) of that Schedule; or
  - (iii) of a relevant lottery, in the promotion of which that person was involved, not being properly conducted.]

[F47(1A) In considering whether sub-paragraph (1)(f) above applies, the Board shall disregard any act or omission that occurred more than five years previously.

*Status: Point in time view as at 01/04/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

- (1B) Where a scheme submitted to the Board under this Schedule is not registered by them, the Board shall notify the local authority concerned in writing of that fact and the reason for it]
- (2) In this paragraph and in paragraph 4 below “unsuitable person” means a person who has been convicted of—
- (a) an offence under section 2 or 13 above;
  - (b) an offence under paragraph 14 of Schedule 1 above [<sup>F48</sup>, paragraph 14 of Schedule 1A above, paragraph 8 or 9 below, paragraph 12 of Schedule 2A below] or paragraph 12 of Schedule 7 to the <sup>M4</sup>Betting, Gaming and Lotteries Act 1963;
  - (c) an offence under section 42 or 45 of that Act; or
  - (d) an offence involving fraud or dishonesty;
- [<sup>F49</sup>(3) For the purposes of this paragraph and paragraph 4 below—
- (a) a person connected with a lottery is a person who is or has been—
    - (i) involved in the promotion of the lottery; or
    - (ii) employed for reward in connection with the promotion of any other lottery under the same scheme; and
  - (b) “relevant lottery”, in relation to a scheme and a person, means a lottery promoted—
    - (i) under another scheme that at the time of the person’s involvement with the promotion of the lottery was registered with the Board; or
    - (ii) on behalf of a society that at the time of the person’s involvement with the promotion of the lottery was registered with the Board.]

#### Textual Amendments

- F40** Words in Sch. 2 para. 3(1) inserted (3.5.1994) by 1993 c. 39, s. 49(4), **Sch. 8 para. 2(1)(a)**; S.I. 1994/1055, **art. 2**
- F41** Sch. 2 para. 3(1)(a) repealed (3.5.1994) by 1993 c. 39, ss. 49(4), 64, Sch. 8 para. 2(1)(b), **Sch.10**
- F42** Words in Sch. 2 para. 3(1)(c)(i) substituted (3.5.1994) by 1993 c. 39, s. 49(4), **Sch. 8 para. 2(1)(c)**
- F43** Words in Sch. 2 para. 3(1)(c)(ii) inserted (3.5.1994) by 1993 c. 39, s. 49(4), **Sch. 8 para. 2(1)(d)**; S.I. 1994/1055, **art. 2**
- F44** Sch. 2 para. 3(1)(c)(iii) repealed (3.5.1994) by 1993 c. 39, ss. 49(4), 64, Sch. 8 para. 2(1)(e), **Sch.10**
- F45** Words in Sch. 2 para. 3(1)(d) substituted (3.5.1994) by 1993 c. 39, s. 49(4), **Sch. 8 para. 2(1)(f)**; S.I. 1994/1055, **art. 2**
- F46** Words in Sch. 2 para. 3(1) inserted (3.5.1994) by 1993 c. 39, s. 49(4), **Sch. 8 para. 2(1)(g)**; S.I. 1994/1055, **art. 2**
- F47** Sch. 2 para. 3(1A)(1B) inserted (3.5.1994) by 1993 c. 39, s. 49(4), **Sch. 8 para. 2(2)**
- F48** Words in Sch. 2 para. 3(2) inserted (3.5.1994) by 1993 c. 39, s. 49(4), **Sch. 8 para. 2(3)**; S.I. 1994/1055, **art. 2**
- F49** Sch. 2 para. 3(3) inserted (3.5.1994) by 1993 c. 39, s. 49(4), **Sch. 8 para. 2(4)**; S.I. 1994/1055, **art. 2**

#### Marginal Citations

- M4** 1963 c. 2.

- 4 [<sup>F50</sup>(1) The Board shall revoke the registration of a scheme if it comes to their attention that the scheme has become, or has always been, contrary to law.
- (2) The Board may revoke the registration of a scheme—

*Status: Point in time view as at 01/04/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

- (a) on any of the grounds (c), (d) or (e) specified in paragraph 3(1) above;
  - (b) if it appears to them that an unsuitable person is a person connected with any lottery under the scheme;
  - (c) if it appears to them that the local authority have failed to comply with a requirement imposed on them by or under paragraph 5A, 6, 6B, 6C or 6D below; or
  - (d) if it appears to them that an act or omission of a person who is or will be a person connected with a lottery under the scheme was a cause—
    - (i) of the registration of another scheme being refused or revoked on a ground specified in paragraph 3(1)(e) or paragraph (c) above;
    - (ii) of the registration of a society being refused or revoked on the ground specified in paragraph 3(2)(b) or (f) of Schedule 1A above or under paragraph 3(5) of that Schedule; or
    - (iii) of a relevant lottery, in the promotion of which that person was involved, not being properly conducted.
- (2A) In considering whether sub-paragraph (2)(d) above applies, the Board shall disregard any act or omission that occurred more than five years previously.]
- (3) The revocation of the registration of any scheme under this paragraph shall not have effect in relation to any lottery in respect of which any tickets or chances have already been sold at the date of revocation.

#### Textual Amendments

**F50** Sch. 2 paras. 4(1)(2)(2A) substituted (3.5.1994) for paras. 4(1)(2) by 1993 c. 39, s. 49(4), **Sch. 8 para. 3**; S.I. 1994/1055, **art. 2**

- [<sup>F51</sup>4A Where the Board revoke the registration of a scheme, they shall notify the local authority in writing of the revocation and of the ground for it.]

#### Textual Amendments

**F51** Sch. 2 paras. 4A, 4B inserted (3.5.1994) by 1993 c. 39, s. 49(4), **Sch. 8 para. 4**

- [<sup>F52</sup>4B The Board shall cancel the registration of a scheme if the local authority request them to do so.]

#### Textual Amendments

**F52** Sch. 2 paras. 4A, 4B inserted (3.5.1994) by 1993 c. 39, s. 49(4), **Sch. 8 para. 4**

- 5 [<sup>F53</sup>(1) The Secretary of State may direct the Board to restore any registration that has been revoked under paragraph 4(2) above, and the Board shall give effect to any such direction.
- (1A) The Board shall notify a local authority in writing of any direction that has been given to the Board under sub-paragraph (1) above in relation to a scheme approved by the authority under section 6(2)(b) above.]
- (2) The restoration of any registration under sub-paragraph (1) above shall have effect from the date of revocation or such later date as may be specified in the direction.

*Status: Point in time view as at 01/04/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

#### Textual Amendments

**F53** Sch. 2 para. 5(1)(1A) substituted (3.5.1994) for para. 5(1) by 1993 c. 39, s. 49(4), Sch. 8 para.5

- [<sup>F54</sup>5A (1) A local authority shall notify the Board in writing of any modification of a scheme approved by the authority under section 6(2)(b) above and registered under this Schedule.
- (2) A copy of the scheme as modified shall be attached to the notification.
- (3) The notification shall be given to the Board at least four weeks before any tickets or chances in a lottery promoted in accordance with the scheme as modified are sold, distributed or offered for sale.]

#### Textual Amendments

**F54** Sch. 2 para. 5A inserted (3.5.1994) by 1993 c. 39, s. 49(4), Sch. 8 para. 6

- [<sup>F55</sup>6 (1) A local authority shall, before the end of the period of three months beginning with the date of any local lottery promoted by them, send a return in respect of the lottery to the Board.
- (2) The return shall be in such form and contain such information as the Board may direct.
- (3) A direction under sub-paragraph (2) above shall be given in writing and may be varied or revoked by a subsequent direction.]

#### Textual Amendments

**F55** Sch. 2 paras. 6, 6A, 6B, 6C, 6D substituted (3.5.1994) for para. 6 by 1993 c. 39, s. 49(4), Sch. 8 para.7; S.I. 1994/1055, art. 2

- [<sup>F56</sup>6A (1) The Board shall preserve any return sent to them under paragraph 6 above for a period of at least eighteen months, and during that period shall keep it deposited at their office and permit any member of the public to inspect it during office hours on payment of a prescribed fee.
- (2) Any fees received by the Board by virtue of this paragraph shall be paid into the Consolidated Fund.

#### Textual Amendments

**F56** Sch. 2 paras. 6, 6A, 6B, 6C, 6D substituted (3.5.1994) for para. 6 by 1993 c. 39, s. 49(4), Sch. 8 para.7; S.I. 1994/1055, art. 2

- [<sup>F57</sup>6B (1) A local authority shall preserve all documents of theirs, including all information kept by them otherwise than in writing, relating to a local lottery promoted by them until the end of the period of two years beginning with the date of the lottery.
- (2) The Board may direct that, subject to such conditions as may be specified in the direction, sub-paragraph (1) above shall not apply to documents or information specified, or of a description specified, in the direction.

*Status: Point in time view as at 01/04/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

- (3) A direction under sub-paragraph (2) above shall be given in writing and may be varied or revoked by a subsequent direction.

#### Textual Amendments

**F57** Sch. 2 paras. 6, 6A, 6B, 6C, 6D substituted (3.5.1994) for para. 6 by 1993 c. 39, s. 49(4), Sch. 8 para. 7; S.I. 1994/1055, art. 2

- <sup>F58</sup>6C The Board may require a local authority—
- (a) to provide the Board with such information as they may require relating to a local lottery promoted or to be promoted by the authority;
  - (b) to allow the Board to inspect and take copies of any documents of the authority, including any information kept by the authority otherwise than in writing, relating to such a lottery;
  - (c) where such information is kept by means of a computer, to give the Board such assistance as they may require to enable them to inspect and take copies of the information in a visible and legible form and to inspect and check the operation of any computer, and any associated apparatus or material, that is or has been in use in connection with the keeping of the information;
  - (d) to allow the Board to inspect any aspect of the management of such a lottery.

#### Textual Amendments

**F58** Sch. 2 paras. 6, 6A, 6B, 6C, 6D substituted (3.5.1994) for para. 6 by 1993 c. 39, s. 49(4), Sch. 8 para. 7; S.I. 1994/1055, art. 2

- <sup>F59</sup>6D (1) Subject to sub-paragraph (10) below, where the total value of the tickets or chances sold in all local lotteries held in any one financial year and promoted by the same local authority is more than £100,000, the authority shall send to the Board accounts for those lotteries together with a report on the accounts prepared by a qualifying auditor.
- (2) The accounts shall be sent to the Board within ten months of the end of the financial year in which the lotteries to which they relate were held.
  - (3) Accounts under this paragraph shall comply with any directions given by the Board as to the information to be contained in such accounts, the manner in which such information is to be presented or the methods and principles according to which such accounts are to be prepared.
  - (4) Any directions under sub-paragraph (3) above shall be given in writing and may be varied or revoked by subsequent directions.
  - (5) In sub-paragraph (1) above “qualifying auditor” means a person who is—
    - (a) eligible for appointment as a company auditor under section 25 of the <sup>M5</sup>Companies Act 1989;
    - (b) a member of the Chartered Institute of Public Finance and Accountancy; or
    - (c) a firm each of the members of which is a member of that institute;
 and who is not disqualified by sub-paragraph (6) below.



*Status: Point in time view as at 01/04/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

- (6) The following persons are disqualified—
  - (a) a member, officer or employee of the local authority;
  - (b) a partner or employee of such a person;
  - (c) a partnership of which a person disqualified by paragraph (a) or (b) above is a member.
- (7) The auditor’s report on any accounts under this paragraph shall state whether in the auditor’s opinion the accounts have been properly prepared in accordance with any directions given under sub-paragraph (3) above.
- (8) The auditor shall, in preparing his report, carry out such investigations as will enable him to form an opinion as to—
  - (a) whether proper accounting records have been kept by the local authority; and
  - (b) whether the authority’s accounts are in agreement with the accounting records.
- (9) If the auditor fails to obtain all the information and explanations that, to the best of his knowledge and belief, are necessary for the purposes of his audit, his report shall state that fact.
- (10) Sub-paragraph (1) above does not apply to a local authority in relation to any financial year if the promotion of every local lottery promoted by them held in that year is managed by a person certified under Schedule 2A below as a lottery manager.
- (11) For the purposes of this paragraph a lottery is held in the financial year in which the date of the lottery falls.
- (12) In this paragraph “financial year” means a period of twelve months beginning with 1st April.

#### Textual Amendments

**F59** Sch. 2 para. 6, 6A, 6B, 6C, 6D substituted (3.5.1994) for para. 6 by 1993 c. 39, s. 49(4), Sch. 8 para. 7; S.I. 1994/1055, art. 2

#### Marginal Citations

**M5** 1989 c. 40.

- 7 [F60(1) The following fees shall be payable by a local authority to the Board—
- (a) a prescribed fee on an application for a scheme approved by the authority to be registered under this Schedule;
  - (b) a prescribed fee at such intervals whilst such a scheme is so registered as the Secretary of State may by order direct; and
  - (c) a prescribed fee for each lottery promoted under such a scheme.]
- (2) Any such fees received by the Board shall be paid into the Consolidated Fund.

#### Textual Amendments

**F60** Sch. 2 para. 7(1) substituted (3.5.1994) by 1993 c. 39, s. 49(4), Sch. 8 para.8; S.I. 1994/1055, art. 2

*Status: Point in time view as at 01/04/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

- 8 Any person who, in pursuance of a requirement under [<sup>F61</sup>paragraph 6, 6C or 6D]above, knowingly or recklessly gives to the Board any information which is false in a material particular shall be guilty of an offence.

**Textual Amendments**

**F61** Words in [Sch. 2 para. 8](#) substituted (3.5.1994) by [1993 c. 39, s. 49\(4\)](#), [Sch. 8 para. 9](#); [S.I. 1994/1055, art. 2](#)

- [<sup>F629</sup> A person who knowingly or recklessly includes in a report under paragraph 6D above any information which is false in a material particular shall be guilty of an offence.]

**Textual Amendments**

**F62** [Sch. 2 para. 9](#) added (3.5.1994) by [1993 c. 39, s. 49\(4\)](#), [Sch. 8 para.10](#); [S.I. 1994/1055, art. 2](#)

[<sup>F63</sup>SCHEDULE 2A

LOTTERY MANAGERS

**Textual Amendments**

**F63** [Sch. 2A](#) inserted (3.10.1994) by [National Lottery etc. Act 1993 \(c. 39\)](#), s. 50(2), [Sch. 9](#); [S.I. 1994/1055, art. 3](#)

**PART I**

CERTIFICATION

*Application and fee*

- 1 (1) An application for a person to be certified as a lottery manager shall be made to the Board.
- (2) The application shall be in such form and contain such information as the Board may require.
- (3) A fee of [<sup>F64</sup>£15,295] shall be payable to the Board when the application is made.
- (4) Any fees received by the Board by virtue of this paragraph shall be paid into the Consolidated Fund.

**Textual Amendments**

**F64** Fee in [sch. 2A para. 1\(3\)](#) substituted (1.4.2005) by virtue of [The Lotteries \(Gaming Board Fees\) Order 2005 \(S.I. 2005/568\)](#), [arts. 1, 8](#)

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*Status:* Point in time view as at 01/04/2005.

*Changes to legislation:* There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)

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#### *Grant or refusal of certificate*

- 2 (1) Subject to sub-paragraphs (2) and (3) below, on the making of an application and the payment of a fee in accordance with paragraph 1 above, the Board shall grant a certificate to the applicant certifying him as a lottery manager.
- (2) The Board shall refuse to grant the certificate if, after giving the applicant an opportunity of being heard, they are not satisfied that he is a fit and proper person to manage a lottery.
- (3) The Board may refuse to grant the certificate if, after giving the applicant an opportunity of being heard, it appears to them that—
- (a) any person who would be likely to manage the business or any part of the business of managing lotteries under the certificate is not a fit and proper person to do so,
  - (b) any person for whose benefit that business would be likely to be carried on is not a fit and proper person to benefit from it, or
  - (c) any information given by the applicant to the Board in or in connection with the application is false in a material particular.
- (4) Where the Board refuse to grant a certificate, they shall notify the applicant in writing of the refusal and the ground for it.

#### *Conditions*

- 3 A certificate may include such conditions as the Board consider appropriate for protecting the interests—
- (a) of any societies or local authorities whose lotteries the certificate holder may manage, or
  - (b) of the persons who participate in any lottery that the certificate holder may manage.
- 4 (1) The Board may, after giving the certificate holder an opportunity of being heard, vary any condition in a certificate.
- (2) The Board's power to vary a condition in a certificate under this paragraph includes power to add a condition to the certificate or omit a condition from it (and references in this paragraph to the variation of a condition are to be read accordingly).
- (3) Where the Board vary a condition under this paragraph they shall serve a notice on the certificate holder, by post, informing him—
- (a) of the variation, and
  - (b) of the effect of sub-paragraph (4) below.
- (4) The variation shall take effect at the end of the period of twenty-one days beginning with the date of service of the notice.

#### *Duration of certificate*

- 5 A certificate shall have effect until it is revoked by the Board.

#### *Revocation of certificate*

- 6 The Board may revoke a certificate if the certificate holder consents.

*Status: Point in time view as at 01/04/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

- 7 (1) The Board shall revoke a certificate if, after giving the certificate holder an opportunity of being heard, they are satisfied that he is no longer, or never was, a fit and proper person to manage a lottery.
- (2) The Board may revoke a certificate if, after giving the certificate holder an opportunity of being heard, it appears to them that—
- (a) any person who is managing the business or any part of the business of managing lotteries under the certificate is not a fit and proper person to do so,
  - (b) any person for whose benefit the business of managing lotteries under the certificate is carried on is not a fit and proper person to benefit from it,
  - (c) any information given by the certificate holder to the Board in or in connection with the application for the certificate was false in a material particular, or
  - (d) the certificate holder has failed to comply with a condition in the certificate or with a requirement imposed on him by or under this Act.
- (3) Where the Board revoke a certificate under this paragraph they shall serve a notice on the certificate holder, by post, informing him—
- (a) of the revocation,
  - (b) of the ground for the revocation, and
  - (c) of the effect of sub-paragraph (4) below.
- (4) The revocation shall take effect at the end of the period of twenty-one days beginning with the date of service of the notice.

## PART II

### INFORMATION

- 8 (1) A certificate holder shall preserve all documents of his, including all information kept by him otherwise than in writing, relating to the management of a society's lottery or a local lottery until the end of the period of two years beginning with the date of the lottery.
- (2) The Board may direct that, subject to such conditions as may be specified in the direction, sub-paragraph (1) above shall not apply to documents or information specified, or of a description specified, in the direction.
- (3) A direction under sub-paragraph (2) above shall be given in writing and may be varied or revoked by a subsequent direction.
- 9 The Board may require a certificate holder—
- (a) to provide the Board with such information relating to the management of a society's lottery or a local lottery as they may require;
  - (b) to allow the Board to inspect and take copies of any documents of the certificate holder, including any information kept by him otherwise than in writing, relating to the management of such a lottery;
  - (c) where such information is kept by means of a computer, to give the Board such assistance as they may require to enable them to inspect and take copies of the information in a visible and legible form and to inspect and check the operation of any computer, and any associated apparatus or material, that is or has been in use in connection with the keeping of the information;

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(d) to allow the Board to inspect any aspect of the management of such a lottery.

10 Where a certificate holder is a company to which section 241 of the <sup>M6</sup>Companies Act 1985 (directors' duty to lay and deliver accounts) applies, the company shall, immediately after copies of its accounts for a financial year have been laid before it under that section, send a copy of its profit and loss account for that year and the related auditors' report to the Board.

#### Marginal Citations

**M6** 1985 C. 6.

- 11 (1) A certificate holder to whom paragraph 10 above does not apply shall, in respect of each year in which he holds a certificate, send to the Board a profit and loss account of his business of managing lotteries under the certificate together with a report on the account prepared by a qualifying auditor.
- (2) The account shall be sent to the Board within ten months of the end of the year to which it relates.
- (3) An account under this paragraph shall comply with any directions given by the Board as to the information to be contained in such an account, the manner in which such information is to be presented or the methods and principles according to which such an account is to be prepared.
- (4) Any directions under sub-paragraph (3) above shall be given in writing and may be varied or revoked by subsequent directions.
- (5) In sub-paragraph (1) above “qualifying auditor” means a person who—
- (a) is eligible for appointment as a company auditor under section 25 of the <sup>M7</sup>Companies Act 1989, and
  - (b) is not disqualified by sub-paragraph (6) below.
- (6) The following persons are disqualified—
- (a) the certificate holder;
  - (b) where the certificate holder is an unincorporated body of persons, any of those persons;
  - (c) a partner, officer or employee of the certificate holder or a person disqualified by paragraph (b) above;
  - (d) a partner or employee of a person disqualified by paragraph (c) above;
  - (e) a partnership of which any person disqualified by paragraph (a), (b) or (c) above is a member.
- (7) The auditor's report on an account under this paragraph shall state whether in the auditor's opinion the account has been properly prepared in accordance with any directions given under sub-paragraph (3) above.
- (8) The auditor shall, in preparing his report, carry out such investigations as will enable him to form an opinion as to—
- (a) whether proper accounting records have been kept by the certificate holder, and

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- (b) whether the certificate holder’s account is in agreement with the accounting records.
- (9) If the auditor fails to obtain all the information and explanations that, to the best of his knowledge and belief, are necessary for the purposes of his audit, his report shall state that fact.
- (10) In this paragraph “year” means a period of twelve months beginning with 1st January.

**Marginal Citations**

**M7** 1989 C. 40.

- 12 (1) A person who, in pursuance of a requirement imposed on him by or under paragraph 9, 10 or 11 above, knowingly or recklessly gives to the Board any information which is false in a material particular shall be guilty of an offence.
- (2) A person who knowingly or recklessly includes in a report under paragraph 11 above any information which is false in a material particular shall be guilty of an offence.]

SCHEDULE 3

Section 16.

PERMITS FOR COMMERCIAL PROVISION OF AMUSEMENTS WITH PRIZES

**Modifications etc. (not altering text)**

**C2** *Sch. 3*: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of *S.I. 2000/2853, reg. 2(1), Sch. 1* Table B(11)

*Interpretation*

- 1 (1) In this Schedule “the appropriate authority” means—
- (a) in relation to any premises in England or Wales in respect of which a justices’ on-licence (other than a Part IV licence) is for the time being in force, the licensing justices for the licensing district in which the premises are situated;
  - (b) in relation to any other premises in England or Wales, the local authority within whose area the premises are situated;
  - <sup>F65</sup>(c) in relation to any premises in Scotland in respect of which a hotel licence or a public house licence is for the time being in force, the licensing board for the licensing area in which the premises are situated;]
  - (d) in relation to any other premises in Scotland, the local authority within whose area the premises are situated.
- (2) In this Schedule—
- “justices’ on-licence”, “licensing district” and “Part IV licence” have the same meanings as in the <sup>M8</sup>Licensing Act 1964;
- <sup>F66</sup>“hotel certificate”, “licensing area” and “public house licence” have the same meanings as in the <sup>M9</sup>Licensing (Scotland) Act 1959;]

*Status:* Point in time view as at 01/04/2005.

*Changes to legislation:* There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)

[<sup>F66</sup>“hotel licence”, “licensing area”, “licensing board” and “public house licence” have the same meanings as in the Licensing (Scotland) Act 1976;]

“local authority” means—

- (a) in England, a district council, a London borough council and the Common Council of the City of London;
- (b) in Wales, a [<sup>F67</sup>county council or county borough]council; and
- (c) in Scotland, [<sup>F68</sup>a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]; and

“permit” means a permit under section 16 above [<sup>F69</sup>and

“the proper officer of the appropriate authority” means—

- (a) where the appropriate authority is the licensing justices for a licensing district in England and Wales, the [<sup>F70</sup>designated officer for] the justices; and
- (b) in any other case, the clerk to the authority.]

#### Textual Amendments

- F65** Sch. 3 para. 1(1)(c) substituted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1980 \(c. 55, SIF 72:2\), s. 28\(1\), Sch. 2 para. 8\(a\)](#)
- F66** Words commencing “hotel licence” substituted (S.) for words from “hotel” to “1959” by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1980 \(c. 55, SIF 72:2\), s. 28\(1\), Sch. 2 para. 8\(b\)](#)
- F67** Words in the definition of “local authority” in Sch. 3 para. 1(2) substituted (1.4.1996) by [1994 c. 19, s. 66\(6\), Sch. 16 para. 50\(3\)](#) (with [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396, art. 4](#)
- F68** Words in the definition of “local authority” in Sch. 3 para. 1(2) substituted (1.4.1996) (S.) by [1994 c. 39, s. 180\(1\), Sch. 13 para. 104\(4\)](#); [S.I. 1996/323, art. 4](#)
- F69** Definition and word “and” preceding it inserted (1.4.2001) by [1999 c. 22, s. 90, Sch. 13 para. 87\(2\)](#) (with [s. 107, Sch. 14 para. 7\(2\)](#)); [S.I. 2001/916, art. 2\(a\)\(ii\)](#).
- F70** Words in Sch. 3 para. 1(2) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 1, Sch. para. 39](#)

#### Marginal Citations

- M8** 1964 c. 26.  
**M9** 1959 c. 51.

#### *Resolution by local authority as to grant or renewal of permits*

- 2 Any local authority may pass either of the following resolutions, that is to say—
- (a) that (subject to paragraph 3 below) the authority will not grant any permits in respect of premises of a class specified in the resolution; or
  - (b) that (subject to paragraph 3 below) the authority will neither grant nor renew any permit in respect of premises of a class specified in the resolution.
- 3 (1) No resolution under paragraph 2 above shall have effect in relation to the grant or renewal of permits in respect of premises to which this paragraph applies.
- (2) This paragraph applies to any premises used or to be used wholly or mainly for the purposes of a pleasure fair consisting wholly or mainly of amusements.

*Status: Point in time view as at 01/04/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

*Application for grant or renewal of permit*

- 4 (1) An application to the appropriate authority for the grant of a permit in respect of any premises may be made—
- (a) by the holder of the licence [<sup>F71</sup>or certificate], in the case of premises such as are mentioned in paragraph 1(1)(a) or (c) above, and
  - (b) in any other case, by the person who is, or by any person who proposes if the permit is granted to become, the occupier of the premises.
- (2) The holder of a permit may apply from time to time for the renewal of the permit.

**Textual Amendments**

**F71** Words repealed (S.) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1980 \(c. 55, SIF 72:2\)](#), s. 28(2), [Sch. 3](#)

- 5 The appropriate authority shall not refuse to grant or renew a permit without affording to the applicant or a person acting for him an opportunity of appearing before, and being heard by, the appropriate authority or (where that authority is a local authority) a committee of the local authority.

*Grounds for refusal to grant or renew permit*

- 6 (1) Where an application for the grant or renewal of a permit is made to a local authority, then if—
- (a) there is for the time being in force a resolution passed by that authority in accordance with paragraph 2 above which is applicable to the premises to which the application relates, and
  - (b) the permit could not be granted or renewed without contravening that resolution,
- it shall be the duty of the authority to refuse to grant or renew the permit.
- (2) The grant or renewal of a permit shall not be invalidated by any failure to comply with this paragraph, and no duty of a local authority to comply with this paragraph shall be enforceable by legal proceedings.
- 7 (1) In the case of premises to which paragraph 3 above applies—
- (a) the grant of a permit shall be at the discretion of the appropriate authority; but
  - (b) the appropriate authority shall not refuse to renew a permit except either on the grounds that they or their authorised representatives have been refused reasonable facilities to inspect the premises or by reason of the conditions in which amusements with prizes have been provided on the premises, or the manner in which any such amusements have been conducted, while the permit has been in force.
- (2) In the case of premises other than premises to which paragraph 3 above applies, the grant or renewal of a permit shall (subject to paragraph 6 above) be at the discretion of the appropriate authority; and in particular, and without prejudice to the generality of that discretion, the appropriate authority may refuse to grant or renew any such permit on the grounds that, by reason of the purposes for which, or the persons by whom, or any circumstances in which, the premises are or are to be used, it is undesirable that amusements with prizes should be provided on those premises.



*Status: Point in time view as at 01/04/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

- (3) The preceding provisions of this paragraph shall have effect subject to section 17(1) above.
- (4) In this paragraph any reference to amusements with prizes includes any amusements provided by means of a machine to which Part III of the <sup>M10</sup>Gaming Act 1968 applies.

#### Marginal Citations

**M10** 1968 c. 65.

#### *Appeal in England or Wales against decision of appropriate authority*

- 8 (1) Where on an application under this Schedule in England or Wales the appropriate authority refuse to grant or renew a permit, or grant or renew it subject to a condition, the authority shall forthwith give to the applicant notice of their decision and of the grounds on which it is made.
- (2) Where such a notice has been given, the applicant may, by notice to the [<sup>F72</sup>proper officer of] the appropriate authority, appeal against the decision to the Crown Court.
- (3) As soon as practicable after receiving notice of appeal against a decision of the appropriate authority, the [<sup>F72</sup>proper officer of] the authority shall send the notice to the appropriate officer of the Crown Court together with a statement of the decision against which the appeal is brought and of the name and last-known residence or place of business of the appellant, and on receipt of the notice, that officer shall enter the appeal and give to the appellant and to the appropriate authority not less than seven days' notice in writing of the date, time and place appointed for the hearing of the appeal.
- (4) A justice shall not act in the hearing or determination of an appeal under this paragraph from any decision in which he took part.

#### Textual Amendments

**F72** Words in [Sch. 3 para. 8\(2\)\(3\)](#) substituted (1.4.2001) by [1999 c. 22, ss. 90\(1\), Sch. 13 para. 87\(3\)](#) (with [s. 107, Sch. 14 para. 7\(2\)](#)); [S.I. 2001/916, art. 2\(a\)\(ii\)](#)

- 9 The Court shall not allow an appeal under this Schedule if satisfied that, by virtue of paragraph 6 above, it was the duty of the appropriate authority to refuse to grant or renew the permit.
- 10 Subject to paragraph 9 above, on any such appeal the Court may by its order allow or dismiss the appeal, or reverse or vary any part of the decision of the appropriate authority, and may deal with the application as if it had been made to the Court in the first instance; and the judgment of the Court on the appeal shall be final.
- 11 Where the appropriate authority is the licensing justices for a licensing district and the Court—
  - (a) has allowed an appeal, or
  - (b) has awarded the licensing justices any costs and is satisfied that the licensing justices cannot recover those costs,

*Status: Point in time view as at 01/04/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

the Court shall order payment out of central funds of such sums as appear to the Court sufficient to indemnify the licensing justices from all costs and charges whatever to which they have been put in consequence of the appellant's having served notice of appeal.

*Appeal in Scotland against decision of appropriate authority*

- 12 Where on an application under this Schedule in Scotland the appropriate authority refuse to grant or renew a permit, or grant or renew it subject to a condition, the authority shall forthwith give to the applicant notice of their decision and of the grounds on which it is made; and the applicant may, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by act of sederunt, appeal against the decision to the sheriff having jurisdiction in the authority's area.
- 13 The sheriff shall not allow an appeal under this Schedule if satisfied that, by virtue of paragraph 6 above, it was the duty of the appropriate authority to refuse to grant or renew the permit.
- [<sup>F73</sup>14 (1) Subject to paragraph 13 above, on any such appeal the sheriff may allow or dismiss the appeal, or reverse or vary any part of the decision of the appropriate authority, and may deal with the application as if it had been made to him in the first instance.
- (2) The decision of the sheriff on the appeal shall be final and may include such order as to the expenses of the appeal as he thinks proper.]

**Textual Amendments**

**F73** Sch. 3 para. 14 repealed (S.) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 36:1), s. 59(2), Sch. 4

*Duration of permit*

- 15 Subject to the following provisions of this Schedule, and without prejudice to the cancellation of any permit under section 17(2) above, a permit—
- (a) if not renewed, shall cease to have effect on such date, not being less than three years beginning with the date on which it was granted, as may be specified in the permit, or
  - (b) if renewed, shall, unless further renewed, cease to have effect on such date, not being less than three years beginning with the date on which it was renewed or last renewed, as the case may be, as may be specified in the decision to renew it.
- 16 (1) Where an application for the renewal of a permit is made not less than one month before the date on which it is due to expire, the permit shall not cease to have effect by virtue of paragraph 15 above before the appropriate authority have determined the application or the application has been withdrawn.
- (2) Where, on such an application, the appropriate authority refuse to renew the permit, it shall not cease to have effect by virtue of paragraph 15 above before the time within which the applicant can appeal against the refusal has expired, and, if he so appeals, shall not cease to have effect by virtue of that paragraph until the appeal has been determined or abandoned.

*Status: Point in time view as at 01/04/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

- 17 (1) A permit shall not be transferable, and, subject to the following provisions of this paragraph, shall cease to have effect if—
- (a) in the case of premises falling within paragraph 1(1)(a) or (c) above, the holder of the permit ceases to be the holder of the licence [<sup>F74</sup>or certificate] in respect of the premises, or
  - (b) in the case of any other premises, the holder of the permit ceases to be the occupier of the premises.
- (2) If the holder of a permit dies while the permit is in force—
- (a) the permit shall not cease to have effect by virtue of paragraph 15 above or by virtue of the preceding sub-paragraph before the end of the period of six months beginning with the date of his death, and
  - (b) except for the purposes of a renewal of the permit, his personal representatives shall be deemed to be the holder of the permit;
- and the appropriate authority may from time to time on the application of those personal representatives, extend or further extend the period for which the permit continues to have effect by virtue of this sub-paragraph if satisfied that the extension is necessary for the purpose of winding up the estate of the deceased and that no other circumstances make it undesirable.

#### Textual Amendments

**F74** Words repealed (S.) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55, SIF 72:2), s. 28(2), **Sch. 3**

#### *Payment of fees*

- 18 Notwithstanding anything in the preceding provisions of this Schedule, no permit shall be granted or renewed except on payment by the applicant to the appropriate authority or their [<sup>F75</sup>proper officer] of a fee of [<sup>F76</sup>£32]

#### Textual Amendments

**F75** Word in **Sch. 3 para. 18** substituted (1.4.2001) by 1999 c. 22, s. 108(1), **Sch. 13 para. 87(4)** (with s. 107, **Sch. 14 para. 7(2)**); S.I. 2001/916, **art. 2(a)(ii)**

**F76** Fee in **Sch. 3 para. 18** substituted (E.W.) (2.12.1991) by S.I. 1991/2174, **art. 2** and (S.) (2.12.1991) by S.I. 1991/2497, **art. 2**

## SCHEDULE 4

Section 25.

### CONSEQUENTIAL AMENDMENTS

#### *Gaming Act 1968* <sup>M11</sup>

#### Marginal Citations

**M11** 1968 c.65

*Status: Point in time view as at 01/04/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

- 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”.

**Modifications etc. (not altering text)**

- C3** The text of Sch. 4 para. 1 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 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”.

**Modifications etc. (not altering text)**

- C4** The text of Sch. 4 para. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 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”.

**Modifications etc. (not altering text)**

- C5** The text of Sch. 4 para. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 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”.

**Modifications etc. (not altering text)**

- C6** The text of Sch. 4 para. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 5 The following section shall be added after section 51 of that Act—

“(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.

*Status: Point in time view as at 01/04/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

- (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 hiring, maintenance or other charge in respect of a machine to which Part III of this Act applies or in respect of any equipment or 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.”

**Modifications etc. (not altering text)**

- C7** The text of Sch. 4 para. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 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”.

**Modifications etc. (not altering text)**

- C8** The text of Sch. 4 para. 6(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
- C9** The text of Sch. 4 para. 6(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Status: Point in time view as at 01/04/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

**Textual Amendments**

**F77** Sch. 4 para. 7 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 17** Group 3

*Betting and Gaming Duties Act 1972*<sup>M12</sup>

**F78**g . . . . .

**Textual Amendments**

**F78** Sch. 4 para. 8 repealed by [Betting and Gaming Duties Act 1981 \(c. 63, SIF 12:2\)](#), s. 34(2), **Sch. 7**

**Marginal Citations**

**M12** 1972 c.25.

*Local Government Act 1974*

**F79**g . . . . .

**Textual Amendments**

**F79** Sch. 4 para. 9 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 10** Group 2

SCHEDULE 5

Section 25.

REPEALS.

**Modifications etc. (not altering text)**

**C10** The text of Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short title	Extent of Repeal
1963 c.2	The Betting, Gaming and Lotteries Act 1963.	Parts III and IV. Section 52(1A). Section 54. In section 55, the definition of “newspaper” in subsection (1), and subsection (2). Schedule 6.
1966 c.42.	The Local Government Act 1966.	In Part II of Schedule 3, in paragraph 23 the words “paragraph 16 of Schedule 6”

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*Status: Point in time view as at 01/04/2005.*

**Changes to legislation:** *There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed). (See end of Document for details)*

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1966 c.51.	The Local Government (Scotland) Act 1966.	In Part II of Schedule 4, in paragraph 26 the words “paragraph 16 of Schedule 6”
1968 c.65	The Gaming Act 1968.	Section 33(6). Section 41(11) In section 53, in subsection (1) the words in paragraph (a) from “and the Schedule” onwards. In Schedule 11, in Part I the entries relating to sections 41, 42, 48, 49 and 54 of the Betting, Gaming and Lotteries Act 1963, and Part II.
1971 c.23	The Courts Act 1971.	In Schedule 9, in the entry relating to the Betting, Gaming and Lotteries Act 1963, the words “Schedule VI, 8 to 11” and the words “Schedule VII, 5”
1971 c.57.	The Pool Competitions Act 1971.	Section 2(5)(b).
1973 c.65.	The Local Government (Scotland) Act 1973.	In Schedule 24, paragraphs 28 and 29.
1975 c.58.	The Lotteries Act 1975.	The whole Act, except section 20(1) and (3) and paragraph 6 of Schedule 4.

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**Status:**

Point in time view as at 01/04/2005.

**Changes to legislation:**

There are currently no known outstanding effects for the **Lotteries and Amusements Act 1976** (repealed).