



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 11

#### LOTTERIES

VALID FROM 01/01/2007

#### *Interpretation*

#### **252 Promoting a lottery**

- (1) For the purposes of this Act a person promotes a lottery if he makes or participates in making the arrangements for a lottery.
- (2) In particular, a person promotes a lottery if he—
  - (a) makes arrangements for the printing of lottery tickets,
  - (b) makes arrangements for the printing of promotional material,
  - (c) arranges for the distribution or publication of promotional material,
  - (d) possesses promotional material with a view to its distribution or publication,
  - (e) makes other arrangements to advertise a lottery,
  - (f) invites a person to participate in a lottery,
  - (g) sells or supplies a lottery ticket,
  - (h) offers to sell or supply a lottery ticket,
  - (i) possesses a lottery ticket with a view to its sale or supply,
  - (j) does or offers to do anything by virtue of which a person becomes a member of a class among whom prizes in a lottery are to be allocated, or
  - (k) uses premises for the purpose of allocating prizes or for any other purpose connected with the administration of a lottery.
- (3) In subsection (2) “promotional material” means a document which—
  - (a) advertises a specified lottery,

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- (b) invites participation in a specified lottery,
  - (c) contains information about how to participate in a specified lottery, or
  - (d) lists winners in a specified lottery.
- (4) Where arrangements for a lottery are made by an external lottery manager on behalf of a society or authority, for the purposes of this Act both the external lottery manager and the society or authority promote the lottery.

### **253 Lottery ticket**

- (1) For the purposes of this Act a document or article is a lottery ticket if it confers, or can be used to prove, membership of a class for the purpose of the allocation of prizes in a lottery.
- (2) A reference in this Act to the sale or supply of a lottery ticket by a person includes a reference to a person doing anything as a result of which another person becomes a member of the class among whom prizes in a lottery are to be allocated.
- (3) A reference in this Act to purchase of a lottery ticket includes a reference to any action by a person as a result of which he becomes a member of the class among whom prizes in a lottery are to be allocated.

### **254 Proceeds and profits**

- (1) In this Act a reference to the proceeds of a lottery is a reference to the aggregate of amounts paid in respect of the purchase of lottery tickets.
- (2) In this Act a reference to the profits of a lottery is a reference to—
- (a) the proceeds of the lottery, minus
  - (b) amounts deducted by the promoters of the lottery in respect of—
    - (i) the provision of prizes,
    - (ii) sums to be made available for allocation in another lottery in accordance with a rollover, or
    - (iii) other costs reasonably incurred in organising the lottery.

### **255 Draw**

In this Act “draw”, in relation to a lottery, includes any process by which a prize in the lottery is allocated.

### **256 Rollover**

- (1) In this Act “rollover” in relation to a lottery means an arrangement whereby the fact that a prize is not allocated or claimed in one lottery increases the value of the prizes available for allocation in another lottery.
- (2) For the purposes of this Act where prizes are allocated by means of more than one draw—
- (a) the draws together constitute a single lottery if the class of persons among whom prizes are allocated is (and, by virtue of arrangements for the sale or supply of tickets, must be) the same in the case of each draw, and
  - (b) otherwise, the arrangements for each draw constitute a separate lottery.

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## 257 External lottery manager

A person acts as an external lottery manager for the purposes of this Act if he makes arrangements for a lottery on behalf of a society or authority of which he is not—

- (a) a member,
- (b) an officer, or
- (c) an employee under a contract of employment.

## Offences

### 258 Promotion of lottery

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

#### Commencement Information

**II** S. 258(5) in force at 1.10.2005 for specified purposes by S.I. 2005/2455, art. 2(1), Sch. (with art. 3)

VALID FROM 01/09/2007

### 259 Facilitating a lottery

- (1) A person commits an offence if he facilitates a lottery unless—
  - (a) the exception in subsection (3) applies, or
  - (b) the lottery is an exempt lottery.
- (2) For the purposes of this section a person facilitates a lottery if (and only if) he—

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

VALID FROM 01/09/2007

## **260 Misusing profits of lottery**

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

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## **261 Misusing profits of exempt lottery**

- (1) This section applies to the following kinds of lottery—

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- (a) an incidental non-commercial lottery (within the meaning of Part 1 of Schedule 11),
  - (b) a private society lottery (within the meaning of Part 2 of that Schedule), and
  - (c) a small society lottery (within the meaning of Part 4 of that Schedule).
- (2) A person commits an offence if he uses any part of the profits of a lottery to which this section applies for a purpose other than one for which the lottery is permitted to be promoted in accordance with Schedule 11.
- (3) Subsection (3) of section 260 shall have effect for the purpose of this section as it has effect for the purpose of that section.

VALID FROM 01/09/2007

### 262 Small society lottery: breach of condition

A non-commercial society commits an offence if—

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

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### 263 Penalty

- (1) A person guilty of an offence under this Part shall be liable on summary conviction to—
- (a) imprisonment for a term not exceeding 51 weeks,
  - (b) a fine not exceeding level 5 on the standard scale, or
  - (c) both.
- (2) In the application of subsection (1) to Scotland the reference to 51 weeks shall have effect as a reference to six months.

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### *Miscellaneous*

### 264 Exclusion of the National Lottery

The preceding provisions of this Part do not apply to the National Lottery.

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*General*

**265 Territorial application**

- (1) This Part applies to anything done in relation to a lottery—
  - (a) in Great Britain, or
  - (b) by the provision of, or by means of, remote gambling equipment situated in Great Britain.
- (2) But this Part does not apply in relation to a lottery if—
  - (a) no person in Great Britain does anything by virtue of which he becomes a participant in the lottery, and
  - (b) no person in Great Britain possesses tickets for the lottery with a view to selling or supplying them to a person in Great Britain who thereby becomes a participant in the lottery.
- (3) It is a defence for a person charged with an offence under section 258 or 259 to show that he reasonably believed that this Part did not and would not apply to the lottery, by reason of subsection (2) above.

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