



Betting and Lotteries Act 1934

1934 CHAPTER 58

PART II

LOTTERIES AND PRIZE COMPETITIONS

21 Illegality of lotteries

Subject to the provisions of this Part of this Act, all lotteries are unlawful.

22 Offences in connection with lotteries

- (1) Subject to the provisions of this section, every person who in connection with any lottery promoted or proposed to be promoted either in Great Britain or elsewhere—
- (a) prints any tickets for use in the lottery; or
 - (b) sells or distributes, or offers or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution, any tickets or chances in the lottery; or
 - (c) prints, publishes or distributes, or has in his possession for the purpose of publication or distribution—
 - (i) any advertisement of the lottery; or
 - (ii) any list (whether complete or not) of prize winners or winning tickets in the lottery; or
 - (iii) any such matter descriptive of the drawing or intended drawing of the lottery, or otherwise relating to the lottery, as is calculated to act as an inducement to persons to participate in that lottery or in other lotteries; or
 - (d) brings, or invites any person to send into, Great Britain for the purpose of sale or distribution any ticket in, or advertisement of, the lottery; or
 - (e) sends or attempts to send out of Great Britain any money or valuable thing received in respect of the sale or distribution, or any document recording the sale or distribution, or the identity of the holder, of any ticket or chance in the lottery; or

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- (f) uses any premises, or causes or knowingly permits any premises to be used, for purposes connected with the promotion or conduct of the lottery; or
- (g) "causes, procures or attempts to procure any " person to do any of the above mentioned acts,

shall be guilty of an offence.

- (2) In any proceedings instituted under the preceding subsection it shall be a defence to prove that the lottery to which the proceedings relate was such a lottery as is declared by any subsequent section of this Part of this Act not to be an unlawful lottery, and that at the date of the alleged offence the defendant believed, and had reasonable ground for believing, that none of the conditions required by that section to be observed in connection with the promotion and conduct of the lottery had been broken.
- (3) Proceedings under sub-paragraph (iii) of paragraph (c) of subsection (1) of this section in respect of any matter published in a newspaper shall not be instituted except by, or by direction of, the Director of Public Prosecutions.

23 Exemption of small lotteries incidental to certain entertainments

- (1) A lottery promoted as an incident of an entertainment to which this section applies shall be deemed not to be an unlawful lottery, but the conditions specified in the next succeeding subsection shall be observed in connection with the promotion and conduct of the lottery, and if any of those conditions is broken, every person concerned in the promotion or conduct of the lottery shall be guilty of an offence unless he proves that the offence was committed without his knowledge.
- (2) The conditions referred to in the preceding subsection are that—
 - (a) the whole proceeds of the entertainment (including the proceeds of the lottery) after deducting—
 - (i) the expenses of the entertainment, excluding expenses incurred in connection with the lottery; and
 - (ii) the expenses incurred in printing tickets in the lottery; and
 - (iii) such sum (if any) not exceeding ten pounds as the promoters of the lottery think fit to appropriate on account of any expense incurred by them in purchasing prizes in the lottery,
 shall be devoted to purposes other than private gain;
 - (b) none of the prizes in the lottery shall be money prizes;
 - (c) tickets or chances in the lottery shall not be sold or issued, nor shall the result of the lottery be declared, except on the premises on which the entertainment takes place and during the progress of the entertainment; and
 - (d) the facilities afforded for participating in lotteries shall not be the only, or the only substantial, inducement to persons to attend the entertainment.
- (3) The entertainments to which this section applies are bazaars, sales of work, fetes and other entertainments of a similar character, whether limited to one day or extending over two or more days.

24 Exemption of private lotteries

- (1) In this section, the expression " private lottery" means a lottery in Great Britain which is promoted for, and in which the sale of tickets or chances by the promoters is confined to, either—

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- (a) members of one society established and conducted for purposes not connected with gaming, wagering or lotteries; or
- (b) persons all of whom work on the same premises; or
- (c) persons all of whom reside on the same premises,

and which is promoted by persons each of whom is a person to whom under the foregoing provisions tickets or chances may be sold by the promoters and, in the case of a lottery promoted for the members of a society, is a person authorised in writing by the governing body of the society to promote the

For the purposes of this section, the expression " society" includes a club, institution, organisation or other association of persons by whatever name called, and each local or affiliated branch or section of a society shall be regarded as a separate and distinct society.

(2) A private lottery shall be deemed not to be an unlawful lottery, but the following conditions shall be observed in connection with the promotion and conduct of the lottery, that is to say:—

- (a) the whole proceeds, after deducting only expenses incurred for printing and stationery, shall be devoted to the provision of prizes for purchasers of tickets or chances, or, in the case of a lottery promoted for the members of a society, shall be devoted either to the provision of prizes as aforesaid or to purposes which are purposes of the society or, as to part, to the provision of prizes as aforesaid and, as to the remainder, to such purposes as aforesaid;
- (b) there shall not be exhibited, published or distributed any written notice or advertisement of the lottery other than—
 - (i) a notice thereof exhibited on the premises of the society for whose members it is promoted or, as the case may be, on the premises on which the persons for whom it is promoted work or reside; and
 - (ii) such announcement or advertisement thereof as is contained in the tickets, if any;
- (c) the price of every ticket or chance shall be the same, and the price of any ticket shall be stated on the ticket;
- (d) every ticket shall bear upon the face of it the names and address of each of the promoters and a statement of the persons to whom the sale of tickets or chances by the promoters is restricted, and a statement that no prize won in the lottery shall be paid or delivered by the promoters to any person other than the person to whom the winning ticket or chance was sold by them, and no prize shall be paid or delivered except in accordance with that statement;
- (e) no ticket or chance shall be issued or allotted by the promoters except by way of sale and upon receipt of the full price thereof, and no money or valuable thing so received by a promoter shall in any circumstances be returned; and
- (f) no tickets in the lottery shall be sent through the post.

(3) If any of the conditions specified in the preceding subsection is broken, each of the promoters of the lottery, and where the person by whom the condition is broken is not one of the promoters, that person also, shall be guilty of an offence :

Provided that it shall be a defence for a person charged only by reason of his being a promoter of the lottery to prove that the offence was committed without his knowledge.

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25 Amendment of the law with respect to, and saving for, lotteries of Art Unions

- (1) The power of His Majesty under section one of the Art Unions Act, 1846, to revoke or annul the charter, deed or other instrument under which an Art Union has been constituted may be exercised by His Majesty at any time upon a recommendation from the President of the Board of Trade that it is desirable for His Majesty so to do, and it shall not be necessary to the exercise of that power that there should have been given such a certificate as is mentioned in the said section.
- (2) In the case of an Art Union constituted under a deed or other instrument, not being a charter, the power of annulment referred to in the foregoing subsection may be exercised also by the President of the Board of Trade or, in his absence, by a Secretary of State, if, in the opinion of the President or Secretary of State, as the case may be, it is expedient, having regard to the circumstances, that immediate action be taken in the matter.
- (3) Save as aforesaid, nothing in this Part of this Act shall affect the operation of the Art Unions Act, 1846, and a lottery promoted and conducted in accordance with that Act, as amended by this section, shall be deemed not to be an unlawful lottery.

26 Restriction on certain prize competitions

- (1) It shall be unlawful to conduct in or through any newspaper, or in connection with any trade or business or the sale of any article to the public—
 - (a) any competition in which prizes are offered for forecasts of the result either of a future event, or of a past event the result of which is not yet ascertained or not yet generally known;
 - (b) any other competition success in which does not depend to a substantial degree upon the exercise of skill:

Provided that nothing in this subsection with respect to the conducting of competitions in connection with a trade or business shall apply in relation to pari-mutuel or pool betting operations carried on by a person whose only trade or business is that of a bookmaker as defined in Part I of this Act.

- (2) Any person who contravenes the provisions of this section shall be guilty of an offence, without prejudice, however, to his liability, if any, to be proceeded against under the preceding provisions of this Part of this Act relating to lotteries.

27 Power to issue search warrant

Any justice of the peace, if satisfied by information on oath that there is reasonable ground to suspect that any premises are being used for the purpose of the commission of an offence under this Part of this Act in connection with a lottery or proposed lottery, may grant a warrant under his hand authorising any constable at any time or times within one month from the date thereof to enter, if necessary by force, the said premises and every part thereof, and to search for and seize and remove any documents, money or valuable thing found therein which he has reasonable ground to suppose are on those premises for any purpose which constitutes an infringement of any provision of this Part of this Act relating to lotteries.

28 Interpretation of Part II

(1) In this Part of this Act the following expressions have the meanings hereby respectively assigned to them, that is to say :—

" chief officer of police " has the same meaning as in the Police Pensions Act, 1921;

" money " includes a cheque, banknote, postal order or money order;

" newspaper " includes any journal, magazine or other periodical publication;

" ticket " includes, in relation to any lottery or proposed lottery, any document evidencing the claim of a person to participate in the chances of the lottery.

(2) For the purposes of this Part of this Act—

- (a) references to printing shall be construed as including references to writing and other modes of representing or reproducing words in a visible form; and
- (b) documents or other matters shall be deemed to be distributed if they are distributed to persons or places whether within or outside Great Britain, and the expression " distribution " shall be construed accordingly.