

EXPLANATORY MEMORANDUM TO
THE NATIONAL LOTTERY (AMENDMENT) REGULATIONS 2007

2007 No. 2307

1. This Explanatory Memorandum has been prepared by the Department for Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The National Lottery (Amendment) Regulations 2007 (“the 2007 Regulations”) amend the National Lottery Regulations 1994 (“the 1994 Regulations”) which impose various prohibitions and restrictions in relation to the sales of tickets in lotteries forming part of the National Lottery.

2.2 The 1994 Regulations have been amended to replace the references to gambling premises and authorisations in current gambling legislation, with references to equivalent descriptions and authorisations in the Gambling Act 2005 (“the 2005 Act”), which comes into force on 1 September 2007 and replaces all previous gambling legislation in England, Wales and Scotland.

3. Matters of special interest to the Joint Committee on Statutory Instruments

Whilst it is regrettable to lay regulations during recess, these are regulations which only make minor technical amendments that are consequential on the new regulatory framework in the 2005 Act, which comes into force on 1 September 2007. Therefore, it is necessary for these regulations to come into force at the same time as the relevant provisions of the 2005 Act.

4. Legislative Background

4.1 Regulation 5 of the 1994 Regulations prohibits sales of or invitations to purchase National Lottery tickets on certain premises. The 1994 Regulations came into force on 1 April 1994. Regulation 5 of the 1994 Regulations refers to gambling premises and authorisations under the current legislation governing gambling in the UK, in particular the Betting, Gaming and Lotteries Act 1963 and the Gaming Act 1968.

4.2 The 2005 Act replaces the current regulatory regime in England, Wales and Scotland, including the acts mentioned in paragraph 4.1, which will be repealed almost in their entirety by the 2005 Act on 1 September 2007. It is therefore necessary to amend the 1994 Regulations to replace references to premises which provide gambling, or in respect of which a gambling authorisation under the Betting, Gaming and Lotteries Act 1963 or the Gaming Act 1968 has effect, with the equivalent descriptions and authorisations provided for by the 2005 Act. This includes making provision for premises in respect of which an authorisation under

the 1963 or 1968 Act continues to have effect under transitional provisions made under the 2005 Act.

- 4.3 These regulations only update regulation 5 of the 1994 Regulations, which contains provisions relating to the prohibition of sales or invitations to purchase National Lottery tickets on certain premises. They do not change the 1994 Regulations in any other way.
- 4.4 Regulation 5 of the 1994 Regulations also refers to provisions in the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 which extend the prohibition of sales of or invitations to purchase National Lottery tickets on certain premises to Northern Ireland. Although regulation 5 has been substituted in its entirety, the provisions relating to Northern Ireland remain unchanged.

5. Territorial Extent and Application

This instrument applies to the United Kingdom.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- 7.1 The 1994 Regulations impose various prohibitions and restrictions in relation to the sales of tickets in lotteries forming part of the National Lottery. The provisions relating to the prohibition of sales of or invitations to purchase National Lottery tickets on certain premises need to be updated to reflect the changes in gambling legislation which come into effect from 1 September 2007. If the 1994 Regulations are not updated, this would leave a regulatory gap permitting the sale of National Lottery tickets in various areas where that is currently restricted, which is not desirable.
- 7.2 The effect of these regulations, in respect of the premises which are subject to the prohibition, remains the same as the effect of the 1994 Regulations.
- 7.3 As these regulations are simply a consequential amendment to existing regulations in light of the 2005 Act, there was no requirement to run a public consultation on them. They are entirely technical and will attract little or no interest from the various stakeholders or the general public.

8. Impact

- 8.1 An Impact Assessment has not been prepared for this instrument as it makes no changes to the impact on business, charities or voluntary bodies from that already made by the 1994 Regulations.
- 8.2 The impact on the public sector is the same as with the 1994 Regulations.

9. Contact

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