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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is made under section 1 of the Legislative and Regulatory Reform Act 2006. It removes certain restrictions that apply to exempt lotteries regulated by Parts 1 and 2 of Schedule 11 to the Gambling Act 2005.

Article 2 amends the exemption for incidental lotteries in Part 1 of Schedule 11, so that it is no longer limited to lotteries that are incidental to a non-commercial event. The exemption now applies to lotteries which are incidental to an event, provided that the conditions specified in that Part are satisfied. There is also no longer a requirement for the results of the lottery to be made public while the event is taking place.

Article 3 amends the exemption for “private lotteries” (private society lotteries, work lotteries and residents’ lotteries) in Part 2 of Schedule 11.

The exemption for private society lotteries is expanded so as to apply to any private society lottery promoted wholly for a purpose other than that of private gain; it is no longer limited to any of the purposes for which the society in question is conducted.

A work lottery or a residents’ lottery is now exempt in two circumstances, where the lottery is:

- promoted wholly for a purpose other than that of private gain; or
- organised in such a way as to ensure that no profits are made.

Article 3 also reduces the amount of information that needs to be shown on the face of tickets in a private lottery.

Article 4 makes consequential and incidental amendments, including the extension of the offence of misusing profits of an exempt lottery in section 261 of the Gambling Act 2005 to work lotteries and residents’ lotteries promoted wholly for a purpose other than that of private gain. By article 4(1)(a), the maximum imprisonment for an offence committed under section 261(1)(ba) is six months. When section 281(5) of the Criminal Justice Act 2003 comes into force, this will increase to 51 weeks.

A full impact assessment as to the effect that this instrument will have on the costs of business and the voluntary sector is available from the Department for Culture, Media and Sport, 100 Parliament Street, London SW1A 2BQ. It is also published with the Explanatory Document alongside this instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).