Draft Order laid before Parliament under section 355(6) of the Gambling Act 2005, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2020 No. 0000

BETTING, GAMING AND LOTTERIES

The Gambling Act 2005 (Variation of Monetary Limits) Order 2020

Made - - - - ***

Coming into force in accordance with article 1(1)

The Secretary of State, in exercise of the powers conferred by sections 99(11) and 355(1) of the Gambling Act 2005(**a**), makes the following Order.

In accordance with section 355(6) of that Act, a draft of this Order was laid before Parliament and has been approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Gambling Act 2005 (Variation of Monetary Limits) Order 2020, and comes into force on the twenty-first day after the day on which it is made.

(2) In this Order, "the Act" means the Gambling Act 2005.

Variation of limits in section 99(3) of the Gambling Act 2005

2.—(1) Subsection (3) of section 99 of the Act (mandatory conditions of lottery operating licence)(**b**) is amended as follows.

(2) In paragraph (a), for "£4,000,000" substitute "£5,000,000".

(3) In paragraph (b), for "£10,000,000" substitute "£50,000,000".

Transitional provisions

3.—(1) In this article—

"the change" means the amendment to the conditions attached to lottery operating licences made by the Commission under section 76(1) of the Act to give effect to the amendment to section 99(3)(b) of the Act made by article 2(3);

"the effective date" means the date on which the change takes effect;

"the effective year" means the calendar year in which the effective date occurs.

(**a**) 2005 c. 19; section 355(1) was amended by the Scotland Act 2016 (c. 11), paragraph (a) of section 52(5), and by the Wales Act 2017 (c. 4), paragraph (a) of section 58(2).
(**b**) Paragraph (a) of section 99(3) was amended by S.I. 2009/207.

(2) In the effective year, the requirement in section 99(3)(b) of the Act applies as if the reference to £50,000,000 were instead to—

(a) £50,000,000, or

(b) if less, the sum of £10,000,000 plus the amount produced by—

(i) dividing £50,000,000 by the total number of days in the effective year, and

(ii) multiplying the result of that division by the number of days in the effective year after and including the effective date.

Name
Parliamentary Under Secretary of State
Date Department for Digital, Culture, Media and Sport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends section 99(3) of the Gambling Act 2005 ("the Act").

Section 99 of the Act specifies certain requirements to which the Gambling Commission must give effect by attaching conditions to a lottery operating licence issued to a non-commercial society (defined in section 19 of the Act) or a local authority.

The requirements in section 99(3) impose monetary limits on the proceeds of any lottery promoted in reliance on a lottery operating licence, and also on the aggregate proceeds of lotteries promoted wholly or partly in a calendar year in reliance on a lottery operating licence.

Article 2 of this Order increases those monetary limits. The transitional provisions in article 3 ensure that lottery operating licence holders can benefit on a pro rata basis from the increase in the revised limit on the annual aggregate proceeds in section 99(3)(b) of the Act as soon as the Gambling Commission alters the conditions attached to lottery operating licences to reflect the revised limit. Without this, the revised limit on the annual aggregate proceeds put in place by article 2(3) could not apply until the beginning of the next calendar year.

An impact assessment which analyses the effect that this Order will have on the costs of business and the voluntary and the public sectors has been produced by the Department for Digital, Culture, Media and Sport. The impact assessment and the Explanatory Memorandum are available online alongside this instrument on legislation.gov.uk and copies can be obtained from the Department at 100 Parliament Street, London SW1A 2BQ.

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