

CHAPTER 45

An Act to authorise the conduct of small lotteries for other than private gain by societies for raising money for charitable, sporting and other purposes and to amend the law with respect to gaming; and for other purposes connected with the matters aforesaid.

[5th July, 1956]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Exemption of certain small lotteries conducted for charitable, sporting or other purposes.

1.—(1) This section applies to any lottery (not being a lottery which is deemed not to be unlawful by virtue of any other enactment) which is promoted in Great Britain on behalf of a society registered by the local authority under this Act, being a society established and conducted wholly or mainly for one or more of the following purposes, that is to say—

(*a*) charitable purposes;

(*b*) participation in or support of athletic sports or games or cultural activities;

(*c*) purposes not described in the foregoing paragraphs, and not being purposes of private gain or purposes of any commercial undertaking,

and is so promoted for raising money to be applied for purposes of the society.

(2) A lottery to which this section applies 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 promoter of the lottery shall be a member of the society authorised in writing by the governing body of the society to act as such;

(*b*) no remuneration shall be paid in respect of the lottery to the promoter or to any person employed by him in connection therewith who carries on a betting business or is otherwise engaged by way of business in the organisation of betting;

(*c*) no prize shall exceed one hundred pounds in amount or value, and no ticket or chance shall be sold at a price exceeding one shilling;

(*d*) the whole proceeds, after deducting sums lawfully appropriated on account of expenses or for the provision of prizes, shall be applied to purposes of the society, being purposes described in paragraph (*a*), (*b*) or (*c*) of subsection (1) of this section;

(*e*) the amount of the proceeds appropriated on account of expenses shall not exceed the expenses actually incurred, or ten per cent. of the whole proceeds, whichever is the less, and the amount of the proceeds appropriated for the provision of prizes shall not exceed one-half of the whole proceeds;

(*f*) the price of every ticket or chance shall be the same, and the price of any ticket shall be stated on the ticket;

(*g*) the total value of the tickets or chances sold shall not exceed seven hundred and fifty pounds, and if on any day on which tickets or chances in the lottery are on sale tickets or chances are on sale in another lottery to which this section applies promoted on behalf of the society, the total value of the tickets or chances sold in those lotteries taken together shall not exceed seven hundred and fifty pounds;

(*h*) no written notice or advertisement of the lottery shall be exhibited, published or distributed except as follows—

(i) a notice or advertisement exhibited on the premises of the society, or published or distributed exclusively to members of the society;

(ii) such notice or advertisement as may be contained in the tickets, if any;

(*i*) every ticket and every notice or advertisement of the lottery lawfully exhibited, distributed or published, shall specify the name of the society, the name and address of the promoter and the date on which the draw, determination or event by or by reference to which the prize-winners are ascertained will take place;

(*j*) no ticket shall be sent through the post to a person not being a member of the society;

(*k*) no person shall be admitted to participate in the lottery in respect of a ticket or chance except after payment to the promoter of the whole price of the ticket or chance, and no money received by the promoter for or on account of a ticket or chance shall in any circumstances be returned;

(*l*) no payment on account of expenses or prizes shall be made out of moneys of the society not being proceeds of the lottery; and

(*m*) no ticket or chance shall be sold by or to a person under sixteen years of age.

(3) If any condition required by subsection (2) of this section to be observed in respect of a lottery is contravened, the promoter of the lottery and any other person who is party to the contravention shall be guilty of an offence:

Provided that—

(*a*) it shall be a defence for a person charged with any offence only by reason of his being the promoter to prove that the contravention took place without his knowledge;

(*b*) it shall be a defence for any person charged with an offence in respect of an appropriation or payment made in contravention of paragraph (*e*) or paragraph (*l*) of the said subsection (2) to prove that the proceeds of the lottery fell short of the sum reasonably estimated, that the appropriation or payment was made in respect of expenses actually incurred or in order to fulfil an unconditional undertaking as to prizes given in connection with the sale of the relevant tickets or chances, and that the total amounts appropriated or paid in respect of expenses and prizes did not exceed the amounts which could lawfully have been appropriated out of the proceeds of the lottery under the said paragraph (*e*) if the said proceeds had amounted to the sum reasonably estimated.

(4) In this Act " society " includes a club, institution, organisation or association of persons, by whatever name called, and any separate branch or section of such a club, institution, organisation or association.

(5) For the purposes of this section tickets or chances in a lottery shall be deemed to be on sale on each day between the dates on which such tickets or chances are first and last sold, whether or not any such ticket or chance is sold on that day.

Registration of societies.

2.—(1) An application for the registration of a society under this Act shall be made to the local authority in whose area the office or head office of the society is situated, and shall specify the purposes for which the society is established and conducted; and subject to the provisions of this section, the local authority shall, upon application duly made on behalf of a society and on payment of a fee of one pound, register the society in a register to be kept for the purposes of this Act, and notify the society in writing that they have done so.

(2) The local authority may, after giving the society concerned an opportunity of being heard, refuse to register a society under this Act, or revoke the registration under this Act of a society, if it appears to the authority—

(*a*) that any person has been convicted of an offence committed in connection with a lottery promoted or proposed to be promoted on behalf of the society, being an offence under this Act or an offence committed after the commencement of this Act under section twenty-two of the Betting and Lotteries Act, 1934; or

(*b*) that the society is not or has ceased to be a society on behalf of which lotteries may be promoted under this Act.

(3) Subsections (5) and (6) of section one of the Pool Betting Act, 1954 (which provide for appeal to quarter sessions or, in Scotland, to the sheriff from a refusal of registration or revocation of registration under that section) shall apply in relation to registration under this Act as they apply in relation to registration under that section, and as if for the reference in the said subsection (5) to the place or principal place at which the appellant carries on or is intending to carry on his business there were substituted a reference to the office or head office of the society.

(4) A society which is for the time being registered under this Act may at any time apply to the local authority for the cancellation of the registration; and in any such case the authority shall cancel the registration accordingly.

(5) Every society which is registered under this Act shall pay to the local authority on the first day of January in each year while it is so registered a fee of one pound, and any such fee which remains unpaid after the date on which it becomes payable may be recovered by the authority as a debt.

(6) In this Act " local authority " means, in relation to England and Wales other than London, the council of a county borough or county district, in relation to London, the Common Council of the City of London or the council of a metropolitan borough, and in relation to Scotland, a county council or a town council.

Returns to be made by promoters.

3.—(1) The promoter of a lottery to which section one of this Act applies shall, not later than the end of the third month after the month in which the winners of prizes in the lottery are ascertained, send to the local authority in whose area the office or head office of the society is situated a return certified by two other members of the society, being persons of full age appointed in writing by the governing body of the society, showing—

(*a*) the whole proceeds of the lottery;

(*b*) the sums appropriated out of those proceeds on account of expenses and on account of prizes respectively;

(*c*) the particular purpose or purposes to which proceeds of the lottery were applied in pursuance of paragraph (*d*) of subsection (2) of the said section one, and the amount applied for that purpose, or for each of those purposes, as the case may be; and

(*d*) the dates between which tickets or chances in the lottery were sold.

(2) The local authority to whom any return is sent under this section shall preserve the return for a period of at least one year, and during that period shall keep it deposited at their office and permit any member of the public to inspect it during office hours free of charge.

(3) Any person who fails to send a return in accordance with the provisions of this section, or knowingly gives, in any returns sent by him thereunder, any information which is false or misleading, or certifies any return to be sent under this section knowing it to contain any such information, shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

Exemption of small gaming parties.

4.—(1) This section applies to any entertainment promoted in Great Britain for raising money to be applied for purposes other than purposes of private gain, being an entertainment at which games of chance or of chance and skill combined are played in accordance with the following conditions, that is to say:—

(*a*) not more than one payment (whether by way of entrance fee or stake or otherwise) is made by each player in respect of all games played at the entertainment, and no such payment exceeds five shillings;

(*b*) not more than one distribution of prizes or awards is made in respect of all games played at the entertainment, and the total value of all prizes and awards distributed in respect of such games does not exceed twenty pounds;

(*c*) the whole of the proceeds of such payments as are mentioned in paragraph (*a*) of this subsection, after deducting sums lawfully appropriated on account of expenses or for the provision of prizes or awards in respect of the games, are applied for purposes other than purposes of private gain;

(*d*) the amount of the said proceeds appropriated in respect of expenses does not exceed the reasonable cost of the facilities provided for the purposes of the games.

(2) For the purposes of any enactment or rule of law relating to gaming or gaming houses, a house, room or place shall not be deemed to be a common gaming house, or to be opened, kept or used for playing at any unlawful game or for the purpose of

unlawful gaming, by reason only of its being used for the playing of games at entertainments to which this section applies in accordance with the conditions specified in subsection (1) of this section.

(3) A game played at an entertainment to which this section applies in accordance with the said conditions shall not be deemed to be an unlawful lottery; and nothing in the Betting Acts, 1853 and 1874, shall apply to anything done by any person in connection with the playing of games at such an entertainment in accordance with those conditions.

(4) Where two or more entertainments are promoted on the same premises by the same persons on any day, the conditions specified in subsection (1) of this section shall apply in relation to those entertainments as if they were a single entertainment.

(5) Except as provided by the last foregoing subsection, the conditions specified in subsection (1) of this section shall apply separately to each entertainment which forms part of a series of entertainments whether or not some or all of the persons taking part in any one of the series are thereby qualified to take part in any other; and where each of the persons taking part in the games played at the final entertainment of such a series is qualified to do so by reason of having taken part in the games played at another entertainment of that series held on a previous day (being an entertainment to which this section applies) paragraph (*b*) of the said subsection (1) shall apply in relation to that final entertainment as if for the words " twenty pounds " there were substituted the words " one hundred pounds ".

(6) Nothing in this section shall be construed as affecting the operation of any of the following enactments, that is to say—

(*a*) section one hundred and forty-one of the Licensing Act, 1953 (which penalises the holder of a justices' licence who allows gaming or unlawful games in his premises);

(*b*) section fifty-three of the Licensing (Scotland) Act, 1903 (which penalises the holder of a certificate within the meaning of that Act in respect of any breach of the terms and conditions of the certificate, including terms and conditions as to permitting unlawful games);

(*c*) section thirty-two of the Refreshment Houses Act, 1860 (which penalises the licensee of a refreshment house who allows unlawful games or gaming therein).

Supplementary provisions.

5.—(1) The Betting and Lotteries Act, 1934, shall have effect as if sections one and four of this Act were included in Part II of that Act, and were so included after section twenty-two of that Act (which provides a defence in proceedings under that section in respect of lotteries regulated by any subsequent section of the said Part II).

(2) For the purposes of section six of the Finance (No. 2) Act, 1947 (which imposes the pool betting duty) the expression " bet " shall not include the taking of a ticket or chance in a lottery to which section one of this Act applies and in the case of which all conditions specified in paragraphs (*b*), (*c*) and (*g*) of subsection (2) of the said section one are observed.

(3) Any pool betting duty payable in respect of a lottery to which the said section one applies shall be included in the sums which may be deducted from the proceeds to be applied in accordance with paragraph (*d*) of subsection (2) of that section, but except as aforesaid the references in that section to expenses shall not include references to any such duty.

Short title, commencement and extent.

6.—(1) This Act may be cited as the Small Lotteries and Gaming Act, 1956.

(2) Any reference in this Act to any enactment is a reference thereto as amended by or under any subsequent enactment.

(3) This Act shall come into operation at the expiration of the period of one month beginning with the day on which it is passed.

(4) This Act shall not extend to Northern Ireland.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Refreshment Houses Act, 1860...	23 & 24 Vict. c. 27.
Licensing (Scotland) Act, 1903...	3 Edw. 7. c. 25.
Betting and Lotteries Act, 1934	24 & 25 Geo. 5. c. 58.
Finance (No. 2) Act, 1947	11 & 12 Geo. 6. c. 9.
Licensing Act, 1953	1 & 2 Eliz. 2. c. 46.
Pool Betting Act, 1954	2 & 3 Eliz. 2. c. 33.

PRINTED BY JOHN ROUGHTON SIMPSON, C.B.
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament