

## ORKNEY ISLANDS AREA LICENSING BOARD

### GAMBLING ACT 2005

#### INFORMATION/GUIDANCE

#### EXEMPT LOTTERIES – INCIDENTAL NON-COMMERCIAL LOTTERIES

(See also the Board's Information on Small Society Lotteries and Race Nights at [www.orkney.gov.uk](http://www.orkney.gov.uk) )

The Gambling Act 2005 can be accessed on the Internet at [www.opsi.gov.uk](http://www.opsi.gov.uk)

Further information can also be accessed on the Internet at the following websites –

Department for Culture, Media and Sport – [www.culture.gov.uk](http://www.culture.gov.uk)

Gambling Commission – [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

Scottish Government – [www.scotland.gov.uk](http://www.scotland.gov.uk)

An incidental non-commercial lottery is one that is not promoted for private gain and is incidental to a non-commercial event. Examples may include a lottery held at a school fete or at a social event such as a dinner dance. An event is deemed non-commercial if all the money raised at the event, including entrance fees, goes entirely to purposes that are not for private gain. Therefore a fundraising social event with an entrance fee would be non-commercial if the profits went to a society but would be commercial if the profits were retained by the organiser.

For this type of lottery, please refer to Part 1 of Schedule 11 to the Gaming Act 2005 and the relevant regulations, which are available on the Internet at <http://www.opsi.gov.uk/si/si2007/20072040.htm>.

- Ø promoters cannot deduct more than £500 from the proceeds in respect of the cost of prizes;
- Ø promoters cannot deduct more than £100 from the proceeds in respect of the cost of other expenses, such as the cost of printing tickets or hire of equipment;
- Ø the lottery cannot involve a rollover of prizes from one lottery to another; and
- Ø tickets must only be sold at the premises during the event and the result must be made public while the event takes place.

Information is also available at [www.orkney.gov.uk](http://www.orkney.gov.uk) in respect of the following categories of exempt lottery –

- private lotteries; and
- customer lotteries

Anyone requiring further information about this topic should contact the Legal Clerks' Office at the Council Offices, Kirkwall, Orkney KW15 1NY –

by email [licensing@orkney.gov.uk](mailto:licensing@orkney.gov.uk);

by telephone: 01856 873535 extensions 2229 / 2232 or by fax: 01856 876941