

GUIDANCE NOTE ON CHILDREN AND SMALL SOCIETY LOTTERIES

We have been reminded that small society lotteries can pose a particular challenge for licensing authorities in terms of the protection of children from harm. Lottery organisers and promoters are reminded that these lotteries should ensure that they comply with the provisions of the Gambling Act 2005 and that in particular children should not be involved in the sale or purchase of small society lottery tickets. The provisions relating to this type of lottery are set out below.

Small Society Lotteries and the Gambling Act 2005

Small society lotteries, often run by schools and other community organisations, are caught by the provisions in the Gambling Act 2005 relating to children. **Small society lottery organisers and promoters will commit offences if they sell tickets to under 16s.**

According to Section 56 of the Gambling Act 2005 it is an offence to invite, cause or permit a child to participate in a lottery. Small society lotteries are not exempt from this provision.

The penalties for these offences are listed at Section 62 of the Gambling Act 2005 and are: -

- Imprisonment for a term not exceeding 51 weeks
- A fine not exceeding level 5 on the standard scale
- Or both

What Should Small Societies be Doing in Order to Comply?

The Gambling Commission's Guidance to Local Authorities states that "participation in a lottery is a form of gambling and as such licensing authorities must be aware that the societies they register are required to conduct their lotteries in a socially responsible manner and in accordance with the Act" [para 32.57]

Small society lotteries should therefore: -

- Avoid selling tickets to children, or giving tickets to children to sell.
- Implement effective procedures to minimise the risk of lottery tickets being sold to children, including procedures for:
 - checking the age of potentially underage purchasers of lottery tickets; and
 - taking action where there are unlawful attempts to purchase tickets.

The Guidance (at para 32.53) also states that reports of sales of lottery tickets to/by under 16s would give a Local Authority reason to investigate the specific circumstances of a small society lottery and consider feeding them into their local inspection regime.