



Number 2 of 1956

GAMING AND LOTTERIES ACT 1956

REVISED

Updated to 10 November 2021

This Revised Act is an administrative consolidation of the *Gaming and Lotteries Act 1956*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Defence (Amendment) Act 2021* (33/2021), enacted 9 November 2021, and all statutory instruments up to and including the *Railway Safety Act 2005 (Section 4(5)) (Specified Infrastructure, Monorail) Regulations 2021* (S.I. No. 589 of 2021), made 10 November 2021, were considered in the preparation of this Revised Act.

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Introduction

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Gaming and Lotteries Acts 1956 to 2019: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Gaming and Lotteries (Amendment) Act 2019* (44/2019), s. 27(2)). The Acts in this group are:

- *Gaming and Lotteries Act 1970* (6/1970)
- *Gaming and Lotteries Act 1979* (6/1979)
- *National Lottery Act 1986* (28/1986), s. 33
- *Criminal Justice (Public Order) Act 2003* (16/2003)
- *National Lottery Act 2013* (13/2013), Part 9
- *Gaming and Lotteries (Amendment) Act 2019* (44/2019)

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.



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AN ACT TO AMEND THE LAW RELATING TO GAMING AND LOTTERIES. [14th February, 1956.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I.

PRELIMINARY AND GENERAL.

Short title and commencement.

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

(2) This Act shall come into operation on such day as the Minister shall by order appoint.

Definitions.

2. — In this Act—

“banker” in relation to a game means the banker or other person by whom the game is managed, or against whom the other players stake, play or bet;

“gaming” means playing a game (whether of skill or chance or partly of skill and partly of chance) for stakes hazarded by the players;

“gaming instrument” means any table or instrument of gaming and any coin, card, token or other article used as an instrument or means of gaming;

“gaming licence” means a licence under section 19;

F1[“gaming machine” has the same meaning as it has in the Finance Act 1975;

“gaming permit” has the meaning assigned to it by *section 9A* (inserted by section 4 of the Gaming and Lotteries (Amendment) Act 2019);]

“local authority” means a body being the council of a county, the corporation of a county or other borough, the council of an urban district or the commissioners of a town;

“ lottery ” includes all competitions for money or money's worth involving guesses or estimates of future events or of past events the results of which are not yet ascertained or not yet generally known;

“ lottery licence ” means a licence under section 28;

F1[“lottery permit” has the meaning assigned to it by section 27B (inserted by section 11 of the Gaming and Lotteries (Amendment) Act 2019);]

“ the Minister ” means the Minister for Justice;

F1[“prescribed” means prescribed by regulations made by the Minister;]

“ public place ” means any place to which the public have access whether as of right or by permission and whether subject to or free of charge;

F1[“relevant officer” has the same meaning as it has in the Betting Act 1931;]

“ society ” includes a club, institution, organisation or other association of persons by whatever name called;

“ stake ” includes any payment for the right to take part in a game and any other form of payment required to be made as a condition of taking part in the game but does not include a payment made solely for facilities provided for the playing of the game;

“ Superintendent ” includes an Inspector acting as Superintendent.

Repeals. 3. — The enactments mentioned in the Schedule are hereby repealed.

PART II.

GAMING.

Unlawful gaming. 4. — F2[(1) A person shall not promote gaming unless he or she is, or is the employee or agent acting as such of, a person who is the holder of a gaming permit or a gaming licence that is for the time being in force and the gaming is in accordance with the permit or licence.

(2) A person who contravenes this section shall be guilty of an offence.]

Use of places for unlawful gaming. 5.— F3[...]

Gaming at circus or travelling show. 6. — F4[...]

Gaming at carnivals. 7.— F5[...]

Residence qualifications for promoters of gaming. 8. — F6[...]

Gaming on licensed premises. 9. — F7[...]

F8[Gaming permits

9A. — (1) Subject to the provisions of this section, a person may apply to the superintendent of the Garda Síochána for the district in which the premises to which the application relates is situated for a permit (in this Act referred to as ‘a gaming permit’) authorising the person to engage in gaming at that premises in accordance with this Act.

(2) An application for a gaming permit shall—

(a) be in such form as may be specified by the Minister,

(b) be accompanied by the prescribed fee, and

(c) be made to the superintendent of the Garda Síochána concerned not less than 60 days before the first day on which it is intended to promote the gaming to which the application relates.

(3) A person who applies for a gaming permit under this section shall provide the superintendent of the Garda Síochána to whom the application concerned is made with all such information as he or she may request for the purpose of the performance of his or her functions under this section and if the person fails to comply with this subsection, the superintendent may refuse to grant the person the permit.

(4) A superintendent of the Garda Síochána to whom an application for a gaming permit is made under this section shall, not later than 28 days after receiving the application, either—

(a) grant the application and issue a gaming permit to the applicant in such form and specifying such matters as the Minister may determine, or

(b) refuse the application.

(5) In considering an application under this section, the superintendent of the Garda Síochána shall have regard to the following:

(a) the character of the applicant, or in the case of a body corporate, of the persons exercising control and management thereof;

(b) the number of gaming permits already issued in the locality;

(c) the suitability of the premises or place proposed to be used;

(d) the kind of gaming proposed to be carried on, including whether the gaming is for a charitable or philanthropic purpose.

(6) A gaming permit shall not be issued to a person—

(a) for any kind of gaming in which by reason of the nature of the game, the chances of all the players, including the banker, are not equal,

(b) to promote gaming for charitable or philanthropic purposes on the same day or in the same place as gaming being promoted other than for charitable or philanthropic purposes, or

(c) to promote gaming by means of a gaming machine.

(7) A gaming permit, if not previously revoked or suspended under section 46 (inserted by section 19 of the Gaming and Lotteries (Amendment) Act 2019), shall continue in force for such period not exceeding 12 months as may be specified in the permit and shall then expire.

(8) A person who holds a gaming permit shall not transfer that permit to any other person and any such purported transfer shall be void and of no effect.

(9) (a) A person who holds a gaming permit shall not accept a stake from a person under the age of 18 years.

(b) A person who contravenes paragraph (a) shall be guilty of an offence.

(c) Where a person is charged with an offence under this subsection it shall be a good defence to such charge to prove that the person so charged believed and had reasonable cause for believing that the person in respect of whom such offence is alleged to have been committed was of or over the age of 18 years.

(10) A gaming permit shall indicate whether the gaming authorised by the permit is for a charitable or philanthropic purposes or for the benefit of the holder of the permit and shall specify the kind of gaming so authorised.

(11) The following conditions shall attach to a gaming permit and shall be expressed in the permit:

(a) the stake in each game shall not be more than €10 for each player;

(b) no player may win more than the value of €3,000 in each game whether that game is conducted in a single or multiple event;

(c) if more than one of the same game is conducted at the same time, the total value of the prizes shall not be more than €3,000;

(d) no stake shall be hazarded by the players with the holder of the gaming permit other than a charge for the right to take part in the game;

(e) the conditions referred to in paragraphs (a) and (b) and the name of the intended beneficiary shall be prominently displayed at the normal means of access to the premises proposed to be used;

(f) the hours during which gaming may be carried on.

(12) A person who holds a gaming permit shall comply with the conditions of the permit.

(13) A person who contravenes subsection (12) shall be guilty of an offence.

(14) The Minister may by regulations vary the amounts specified in subsection (11).

(15) Before making regulations under this section the Minister shall have regard to the following:

(a) the number of gaming permits and licences in force under this Act at that time;

(b) the potential impact of any such variation on gaming generally;

(c) the impact of gaming on society in general.

(16) Every superintendent of the Garda Síochána shall keep a register of all gaming permits—

(a) issued by him or her under this section, and

(b) any such permits revoked or suspended under section 46 (inserted by section 19 of the Gaming and Lotteries (Amendment) Act 2019).

(17) Every register maintained under this section shall be open for inspection at all reasonable times by members of the public.

(18) A person to whom a gaming permit has been refused under this section may appeal the refusal to a judge of the District Court assigned to the District Court district in which the premises to which the application relates is situated.]

Prohibition of slot-machines. 10.— F9[...]

Cheating. 11.— F10[...]

PART III.

LICENSING OF AMUSEMENT HALLS AND FUNFAIRS.

Application of this Part. 12. — This Part shall not have effect in any area unless there is for the time being in force a resolution under section 13 adopting it for that area.

Adoption of this Part by local authority. 13. — (1) A local authority may by resolution adopt this Part in respect of the whole or a specified part of its administrative area and may by resolution rescind such adoption.

(2) For the purpose of this section the administrative area of the council of a county shall not include any borough, urban district or town.

(3) A resolution shall not have effect unless not less than one month's notice of the intention to propose it has been given in writing to every member of the local authority and has been published by advertisement in at least two newspapers circulating in the area to which the proposal relates.

(4) A local authority on passing a resolution shall cause notice of the fact to be published in at least two newspapers circulating in the area to which the resolution relates and shall as soon as may be send a copy of the resolution to the Minister.

(5) Evidence of the passing of a resolution may be given by the production of a copy of a newspaper containing the notice or by the production of a certificate to that effect purporting to be under the seal of the local authority.

Licensed amusement hall and funfair.

F11[14.—(1) The following conditions shall attach to a gaming licence:

- (a) the stake in each game shall not be more than €5 for each player;
- (b) no player may win more than €500 in each game.

(2) The Minister may by regulations vary the amounts specified in subsection (1).

(3) Before making regulations under this section the Minister shall have regard to the following:

- (a) the number of gaming permits and licences in force under this Act at that time;
- (b) the potential impact of any such variation on gaming generally;
- (c) the impact of gaming on society in general.

(4) (a) A person who holds a gaming licence shall not accept a stake from a person under the age of 18 years.

(b) A person who contravenes paragraph (a) shall be guilty of an offence.

(c) Where a person is charged with an offence under this subsection it shall be a good defence to such charge to prove that the person so charged believed and had reasonable cause for believing that the person in respect of whom such offence is alleged to have been committed was of or over the age of 18 years.]

Certificate for gaming licence.

15. — (1) The District Court may grant a certificate authorising the issue of a licence permitting gaming at an amusement hall or funfair.

(2) A certificate shall not be granted unless forms of entertainment other than gaming are also provided.

(3) F12[...]

(4) F13[The Court may attach to the certificate conditions limiting the hours during which gaming may be carried on, restricting the kinds of gaming, and the extent to which particular kinds of gaming, may be carried on.]

(5) The certificate shall specify the period in the particular year to which it relates for which the licence is to be issued.

(6) A certificate granted under this section shall not be invalidated by the subsequent rescission of a resolution under section 13.

Notice of application for certificate.

16. — (1) (a) The intending applicant for a certificate shall give twenty-eight days' notice in writing of his intention to each local authority within whose administrative area the premises to which the application relates are situate and to the Superintendent of the Garda Síochána for the locality.

(b) The notice shall state the number and kinds of games proposed to be carried on and the other forms of amusement to be provided.

(2) The applicant shall also cause a notice of his intention to be published at least fourteen days before the hearing in a newspaper circulating in the locality.

Hearing of application.

17. — (1) In considering an application for a certificate the Court shall have regard to—

(a) the character of the applicant or, in the case of a body corporate, of the persons exercising control and management thereof,

(b) the number of gaming licences already in force in the locality,

(c) the suitability of the premises or place proposed to be used,

(d) the class of persons likely to resort to it, and, if the applicant held a gaming licence for that or any other premises or place in the previous year, the manner in which he conducted it, and

(e) the kinds of gaming proposed to be carried on.

(2) At the hearing, the local authority, the Superintendent of the Garda Síochána and any other person who appears to the Court to be interested may appear and may adduce evidence in relation to the application.

Appeal in respect of application for certificate.

18. — (1) Without prejudice to any right of appeal given by any other Act, an appeal shall lie to the Circuit Court—

(a) by the applicant for a certificate—from an order of the District Court refusing the application,

(b) by the applicant—from any particular part of an order of the District Court granting a certificate, and

(c) by any person who at the hearing opposed the application—from an order or any particular part of an order of the District Court granting the certificate.

(2) A certificate granted by the District Court shall remain in full force until altered or revoked on appeal.

(3) Where, in the case of the refusal of a certificate by the District Court, the applicant is the holder of a subsisting licence the licence shall continue in force pending the determination of an appeal against such refusal.

Issue of licence. **19.** — The Revenue Commissioners shall, on the application of a person to whom a certificate for a gaming licence has been granted and on payment by him of any excise duty provided for by law, issue to the applicant a licence in such form as they may direct which shall be and be expressed to be subject to the conditions attached to the certificate.

F14[Provided that, notwithstanding anything to the contrary in any other enactment, any licence commencing on or after the 1st day of October, 1993, shall not be granted by the Revenue Commissioners unless a tax clearance certificate in relation to that licence has been issued in accordance with F15[section 1094 of the Taxes Consolidation Act, 1997].]

F16[Register of Gaming Licences] **19A.**—(1) The Revenue Commissioners shall establish and maintain a register to be known, and in this Act referred to, as the ‘Register of Gaming Licences’ of the gaming licences issued by it under this Act.

(2) The Revenue Commissioners may amend an entry in or delete an entry from the Register of Gaming Licences.

(3) The Revenue Commissioners shall enter the following particulars in the Register of Gaming Licences:

- (a) the name and trading name (if different) of each licensee;
- (b) the address at which each licensee ordinarily resides or the address of his or her principal office or place of business;
- (c) the address of the premises (if any) at which the licensee carries on gaming;
- (d) in the case of a licensee that is a body corporate, the name of the relevant officers of the body corporate;
- (e) such other particulars as may be specified by the Minister for Finance.

(4) The Revenue Commissioners shall cause the Register of Gaming Licences to be published on the internet or in such other manner as they consider appropriate.]

Display of notice by licensee. **20.** — The licensee of a licensed amusement hall or funfair shall cause to be displayed at all times, in a conspicuous position near the entrance, a notice giving the name and address of the licensee and the conditions of the licence.

PART IV.

LOTTERIES.

Prohibition of lotteries. **21.** — F17[...]

Advertisement of lotteries. **22.** — F18[...]

F19[Non-Application 22A.—F20[...]]
of Section 22

Private lotteries. **23.—** F21[...]

Lotteries at dances and concerts. **24. —**F22[...]

Lotteries at carnivals and other events. **25. —**F23[...]

Lotteries under permit or licence. F24[**26.—** (1) Subject to the provisions of this Act, a person shall not promote a lottery unless he or she is, or is the employee or agent acting as such of, a person who is the holder of a lottery permit or a lottery licence that is for the time being in force and the lottery is conducted in accordance with the permit or licence.

(2) A person who contravenes this section shall be guilty of an offence.]

Non-Application of Section 26 F25[**26A.—**Section 26 shall not apply to a lottery where—

(a) the total value of the prizes is not more than €1,000,

(b) the price of each ticket is not more than €5,

(c) the maximum number of tickets sold is not more than 1,500,

(d) the lottery is conducted for the benefit of a charitable or philanthropic purpose, and

(e) the promoter of the lottery derives no personal profit from the lottery and has not conducted a lottery in accordance with this section during the preceding 3 months.]

Permits. **27.—** F26[...]

F27[Lotteries held in conjunction with certain events **27A.—** (1) Section 26 shall not apply to a lottery where it is conducted in conjunction with the selling or marketing of a particular product where—

(a) the total value of the prizes is not more than €2,500, and

(b) there is no charge for taking part in the lottery other than the purchase of the product concerned (if such is required) and there is no additional charge for the redemption of a prize.

(2) In this section—

‘marketing’ means any form of commercial communication that is intended to increase or has the effect of increasing, the recognition, appeal or consumption of a particular product;

‘sell’ means sell by retail or wholesale and includes—

(a) offer or expose for sale,

(b) invite the making by a person of an offer to purchase,

(c) distribute free of charge, and

(d) supply for any of these purposes (whether or not for profit).]

F28[Lottery permits

27B. —(1) Subject to the provisions of this Act, a person may apply to the superintendent of the Garda Síochána for the district in which he or she ordinarily resides for a permit (in this Act referred to as ‘a lottery permit’) authorising the person to promote a lottery in accordance with this section.

(2) An application for a lottery permit shall—

(a) be in such form as may be specified by the Minister,

(b) be accompanied by the prescribed fee, and

(c) be made to the superintendent of the Garda Síochána concerned not less than 60 days before the first day on which it is intended to promote a lottery to which the application relates.

(3) A person who applies for a lottery permit under this section shall provide the superintendent of the Garda Síochána to whom the application concerned is made with all such information as he or she may request for the purpose of the performance of his or her functions under this section and if the person fails to comply with this subsection, the superintendent may refuse to grant the person the permit.

(4) A superintendent of the Garda Síochána to whom an application for a lottery permit is made under this section shall, not later than 28 days after receiving the application, either—

(a) grant the application and issue a lottery permit to the applicant in such form and specifying such matters as the Minister may determine, or

(b) refuse the application.

(5) In considering an application under this section for a lottery permit, the superintendent of the Garda Síochána concerned shall have regard to the following:

(a) the character of the applicant, or in the case of a body corporate, of the persons exercising control and management thereof;

(b) the number of lottery permits already issued in the locality;

(c) the suitability of the premises (if any) proposed to be used.

(6) A lottery permit, if not previously revoked or suspended under section 46 (inserted by section 19 of the Gaming and Lotteries (Amendment) Act 2019) shall continue in force for such period not exceeding 12 months as may be specified in the permit and shall then expire.

(7) A lottery under this section may be promoted for the benefit of the holder of the permit or for a charitable or philanthropic purpose.

(8) A person who holds a lottery permit shall not transfer that permit to any other person and any such purported transfer shall be void and of no effect.

(9) (a) A person who holds a lottery permit shall not accept a stake from a person under the age of 18 years.

(b) A person who contravenes paragraph (a) shall be guilty of an offence.

(c) Where a person is charged with an offence under this subsection it shall be a good defence to such charge to prove that the person so charged believed and had reasonable cause for believing that the person in respect of whom such offence is alleged to have been committed was of or over the age of 18 years.

(10) The following conditions shall attach to a lottery permit:

- (a) the value of each prize shall be stated on every ticket or coupon or, where the lottery is conducted in a premises, such information shall be prominently displayed at the normal means of access to the premises proposed to be used;
- (b) the price of each ticket shall not be more than €10;
- (c) the total value of the prizes in a lottery shall not be more than €5,000 or where more than one lottery is held in any week the total value shall not be more than €5,000;
- (d) not more than 5 per cent of the total proceeds shall be retained by the holder of a lottery permit when the lottery is held for the benefit of a charitable organisation.

(11) A person who holds a lottery permit shall comply with the conditions of the permit.

(12) A person who contravenes *subsection (11)* shall be guilty of an offence.

(13) The Minister may by regulations vary the amounts specified in *subsection (10)*.

(14) Before making regulations under this section, the Minister shall have regard to the following:

- (a) the number of lottery permits and licences in force under this Act at that time;
- (b) any other lottery conducted in accordance with law;
- (c) charitable or philanthropic giving in society generally.

(15) Every superintendent of the Garda Síochána shall keep a register of all lottery permits—

- (a) issued by him or her under this section, and
- (b) any such permits revoked or suspended under section 46 (inserted by section 19 of the Gaming and Lotteries (Amendment) Act 2019).

(16) Every register maintained under this section shall be open for inspection at all reasonable times by members of the public.

(17) A person to whom a lottery permit has been refused under this section may appeal the refusal to a judge of the District Court assigned to the District Court district in which the lottery is to be held is situated.]

Lottery licence. F29[28. — (1) A person may apply to the District Court for a licence (in this Act referred to as ‘a lottery licence’) authorising the person to promote periodical lotteries in accordance with this Act.

(2) An application for a lottery licence shall—

- (a) be accompanied by the prescribed fee, and
- (b) be made to the court not less than 60 days before the first day on which it is intended to promote a lottery to which the application relates.

(3) In considering an application under this section for a lottery licence, a judge of the District Court shall have regard to the following:

- (a) the character of the applicant;
- (b) the number of periodical lotteries already in operation in the locality;
- (c) the purpose of the lottery.

(4) On the hearing of an application under this section for a lottery licence, the superintendent of the Garda Síochána for the district in which the lottery is to be held and any other person who appears to the court to be interested may appear and adduce evidence in relation to the application.

(5) The District Court shall either:

- (a) grant the application and issue the lottery licence; or
- (b) refuse the application.

(6) A lottery licence, if not previously revoked or suspended under section 46 (inserted by section 19 of the Gaming and Lotteries (Amendment) Act 2019) shall continue in force for such period not exceeding 12 months as may be specified in the licence and shall then expire.

(7) An application under this section to the District Court shall be made to a judge of the District Court assigned to the District Court district in which it is proposed to promote lotteries.

(8) A person who holds a lottery licence shall not transfer that licence to any other person and any such purported transfer shall be void and of no effect.

(9) (a) A person who holds a lottery licence shall not accept a stake from a person under the age of 18 years.

(b) A person who contravenes paragraph (a) shall be guilty of an offence.

(c) Where a person is charged with an offence under this subsection it shall be a good defence to such charge to prove that the person so charged believed and had reasonable cause for believing that the person in respect of whom such offence is alleged to have been committed was of or over the age of 18 years.

(10) The following conditions shall attach to a lottery licence:

- (a) the holder of the licence shall derive no personal profit from the lottery;
- (b) the value of each prize and the name of the intended beneficiary of the lottery shall be stated on every ticket or coupon or, where the lottery is conducted in a premises, such information shall be prominently displayed at the normal means of access to the premises proposed to be used;
- (c) the total value of the prizes—
 - (i) if more than one lottery is held in any week, shall be not more than €30,000, and
 - (ii) if one lottery is held in any year, shall be not more than €360,000;
- (d) not more than 25 per cent of the total proceeds shall be retained by the holder of the licence and utilised for the expenses of promotion, including commission, and any free entry for the lottery shall be deemed to be a payment of commission to the extent of its value;
- (e) not more than 75 per cent of the total proceeds shall be allocated to prizes and not less than 25 per cent shall be allocated to a charitable or philanthropic purpose;
- (f) the allocation of the proceeds referred to in paragraphs (d) and (e) shall be made within one month from the date of the holding of the lottery.

(11) A person who holds a lottery licence shall comply with the conditions of the permit.

(12) A person who contravenes subsection (11) shall be guilty of an offence.

(13) The Minister may by regulations vary the amounts specified in subsection (10).

(14) Before making any regulations under this section the Minister shall have regard to the following:

- (a) lotteries that are conducted under this Act;
- (b) any other lottery conducted in accordance with law;
- (c) charitable or philanthropic giving in society generally.

(15) The District Court clerk for a District Court area shall keep a register of all lottery licences—

- (a) issued under this section in that District Court area, and
- (b) any such licences revoked or suspended under section 46 (inserted by section 19 of the Gaming and Lotteries (Amendment) Act 2019).

(16) Every register maintained under this section may be maintained electronically and shall be available for inspection at all reasonable times by members of the public.

(17) A lottery licence in force on the day immediately preceding the commencement of section 12 of the Gaming and Lotteries (Amendment) Act 2019 shall remain in force during the period specified in the licence subject to any conditions attached to the licence.]

F30[Matters to take into consideration when making regulations under section 27 or 28

28A.—F31[...]]

Notice of application for licence.

29. —F32[...]

False statements on application for licence or permit.

30. — Any person who, in support of an application for a licence or permit, makes any statement or representation (whether written or oral) which is to his knowledge false or misleading in any material respect shall be guilty of an offence F33[...].

Hearing of application.

31. —F34[...]

Appeal in respect of application for licence.

32. — Without prejudice to any right of appeal given by any other Act, an appeal shall lie to the Circuit Court—

- (a) by the applicant for a licence—from the order of the District Court refusing the application,
- (b) by the applicant—from the part of the order of the District Court specifying the period of the licence, and
- (c) by any person who at the hearing opposed the application—from the order of the District Court granting the licence or the part of the order specifying the period of the licence.

Lottery tickets.

F35[**33.**— (1) Subject to subsection (2), every ticket, coupon, counterfoil and notice relating to a lottery (other than a lottery to which section 26A (inserted by section 9

of the Gaming and Lotteries (Amendment) Act 2019) or 27A (inserted by section 10 of the Gaming and Lotteries (Amendment) Act 2019) applies) under this Act shall—

- (a) bear the name and address of the holder of the lottery permit or licence, or
- (b) if the permit or licence is in the name of more than one person, of one of them, and of the printer, and of the beneficiary or object,

and shall state whether it is being carried on under a permit or licence and the superintendent of the Garda Síochána or Court by whom the permit or licence was issued.

(2) Where the lottery is conducted in a premises, the information referred to in *subsection (1)* shall be prominently displayed at the normal means of access to the premises proposed to be used.]

Prohibition on taking or sending money or documents out of State.

34.— F36[...]

Exemption from Betting Acts.

35. — The holder of a licence or permit for a lottery shall not be required to hold a bookmaker's licence under the Betting Act, 1931 (No. 27 of 1931), and the Betting Act, 1853, shall not apply in relation to the use of premises in connection with the lottery.

PART V.

ENFORCEMENT, EVIDENCE AND PENALTIES.

Gaming and wagering contracts void.

36. — (1) Every contract by way of gaming or wagering is void.

(2) No action shall lie for the recovery of any money or thing which is alleged to be won or to have been paid upon a wager or which has been deposited to abide the event on which a wager is made.

(3) A promise, express or implied, to pay any person any money paid by him under or in respect of a contract to which this section applies or to pay any money by way of commission, fee, reward or otherwise in respect of the contract or of any services connected with the contract is void and no action shall lie for the recovery of any such money.

(4) This section does not apply to any agreement to subscribe or contribute to any plate, prize or sum of money to be awarded to the winner or winners of any game, sport or pastime not prohibited by this Act provided that the subscription or contribution is not a stake.

Seizure of gaming instruments.

37. — F37[(1) A member of the Garda Síochána may seize any gaming instrument or gaming machine—

- (a) being a gaming instrument or gaming machine having any device by means of which it can be fraudulently operated or which he or she has reason to believe is being fraudulently operated or used for unlawful gaming, or
- (b) which he or she has reason to believe is not being operated in accordance with the conditions of a permit or licence granted under this Act.]

(2) No person shall operate or permit to be operated or be in possession or control of any F38[gaming instrument or gaming machine] having any such device.

- Power of entry of Garda Síochána. **38.** — A member of the Garda Síochána may at all reasonable times enter and have free access to any amusement hall, funfair, circus, travelling show, carnival, bazaar, sports meeting, local festival, exhibition or other like event in which gaming or a lottery is or is believed to be carried on.
- Search warrant. **39.** — (1) Where a Justice of the District Court is satisfied on the information on oath of a member of the Garda Síochána not below the rank of Inspector that there is reasonable ground for supposing that, at any place or premises, an offence against this Act has been, is being, or is about to be committed the Justice may issue a search warrant under this section.
- (2) The search warrant shall authorise a named member of the Garda Síochána not below the rank of Inspector, accompanied by such other members of the Garda Síochána as that member thinks proper, to enter the place or premises at any time within forty-eight hours after the issue of the warrant, if need be by force, to inspect the place or premises and any books and documents found there and to take the name and address of any person, and seize any gaming instrument and any books and documents appearing to relate to gaming or lotteries found there.
- Arrest of offenders. **40.** — (1) A member of the Garda Síochána may arrest without warrant any person whom he finds conducting or assisting in conducting in a public place any kind of gaming which he has reason to believe to be contrary to this Act.
- (2) A member of the Garda Síochána may arrest without warrant any person who, when his name and address are demanded of him under this Act, fails to give them or gives a name or address which such member has reason to believe to be false or misleading.
- Obstruction of Garda Síochána. **41.** — Any person who obstructs or impedes a member of the Garda Síochána in the exercise of his powers under this Act or who, on being asked his name and address by such member, fails to give them or gives a name or address which is false or misleading shall be guilty of an offence F39[...].
- Evidence of keeping place for unlawful gaming. **42.** — If a member of the Garda Síochána is obstructed or impeded in entering any place or premises or any part thereof in the exercise of his powers under this Act or if F40[any gaming instrument or gaming machine, being a gaming instrument or gaming machine] capable of being used for unlawful gaming, is found therein it shall be assumed until the contrary is proved that that place or premises was or were being kept for unlawful gaming.
- Evidence of unlawful gaming. **43.** — It shall not be necessary in support of a prosecution in relation to unlawful gaming to prove that any person found playing at any game was playing for any money, wager or stake.
- Offences. F41[**44.**—(1) A person guilty of an offence under section 4, 9A, 14, 26, 27B or 28 shall be liable—
- (a) on summary conviction to a class A fine, or imprisonment for a term not exceeding 6 months or both, or
- (b) on conviction on indictment to a fine not exceeding €50,000 or imprisonment for a term not exceeding 2 years or both.
- (2) A person guilty of an offence under section 30 shall be liable on summary conviction to a class C fine, or imprisonment for term not exceeding 12 months, or both.

(3) A person guilty of an offence under section 41 shall be liable on summary conviction to a class D fine or imprisonment for a term not exceeding 6 months, or both.

(4) Where an offence under this Act is committed by a body corporate and is proved to have been so committed with the consent or connivance of or to be attributable to any neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in such capacity, that person shall, as well as the body corporate, be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.]

Offences in relation to bodies corporate and unincorporated bodies.

45.— F42[...]

Revocation of licences and permits.

F43[**46.—** (1) Where a person who is the holder of a gaming licence or permit or a lottery licence or permit is convicted of an offence under this Act, a superintendent of the Garda Síochána within whose district the place to which the permit or licence relates is situate may apply to the District Court for an order that the licence or permit be revoked or suspended.

(2) An application under this section shall be made to a judge of the District Court district for the area in which the place to which the permit or licence relates is situate.

(3) The clerk of the court concerned shall notify the Revenue Commissioners of the making of an order under this section and of its terms.]

Forfeiture of gaming instruments.

47. — (1) On a conviction for an offence against this Act the Court may order the forfeiture to the Minister of any F44[gaming instrument or gaming machine] used in the commission of the offence or, in case of a conviction under F44[section 4], any F44[gaming instrument or gaming machine] found on the premises or at the place concerned.

(2) The Minister may deal with or dispose of as he thinks fit any thing so forfeited.

(3) The net proceeds of any thing sold by the Minister in pursuance of this section shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance shall direct.

Destruction of documents.

48. — On a conviction for an offence in relation to a F45[lottery or gaming] the Court may order the destruction of any documents relating to the F45[lottery or gaming].

Postal packets containing unlawful documents posted in the State.

49. — (1) F46[F47[A postal service provider] or Bord Telecom Éireann, as the case may require] may detain any postal packet posted in the State and suspected of containing any document relating to an unlawful lottery and shall forward every postal packet so detained to a member of the Garda Síochána not below the rank of Superintendent.

(2) The member may open and examine the packet, but, in the case of an address within the State, only in the presence of the person to whom it is addressed unless, after notice in writing requiring his attendance left at or forwarded by post to the address on the packet, he fails to attend.

(3) If the member finds any such document he may detain the packet and its contents for the purpose of prosecution, and if he finds no such document he shall either deliver the packet to the person to whom it is addressed or, if he is absent, forward the packet to him by post.

(4) This section shall be construed as one with the Post Office Acts, 1908 to 1951.

Records, accounts
and returns.

50. — F48[(1) The Minister may, after consultation with the Commissioner of the Garda Síochána, make regulations providing for the keeping of accounts and other records in relation to gaming and lotteries and the furnishing of returns and information relating thereto.]

(2) Every person on whom a duty is imposed by any such regulation shall comply with its provisions.

F49[Regulations

50A. —(1) The Minister may by regulations provide for any matter referred to in this Act as prescribed or to be prescribed.

(2) Without prejudice to any provision of this Act, regulations under this Act may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.

(3) Every regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House sits after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.]

Exemption of
Hospitals'
Sweepstakes.

51. — This Act does not apply to a sweepstake under the Public Hospitals Acts, 1933 to 1940.

Section 3.

SCHEDULE.

PART I.

ENACTMENTS REPEALED IN WHOLE.

Session and Chapter or Number and Year	Title
10 Will. III, c. 23.	An Act for suppressing of Lotteries (1698).
6 Anne, c. 17 (Ir.).	An Act for suppressing Lotteries and Gaming-Tables (1707).
9 Anne, c. 6.	An Act for suppressing Lotteries (1710).
11 Anne, c. 5 (Ir.).	An Act for suppressing Lotteries (1712).
8 Geo. I, c. 2.	Lotteries Act, 1721.
9 Geo. I, c. 19.	Lotteries Act, 1722.
6 Geo. II, c. 35.	Lotteries Act, 1732.
12 Geo. II, c. 28.	Gaming Act, 1738.
13 Geo. II, c. 8 (Ir.).	An Act for the more effectual preventing of excessive and deceitful Gaming (1739).
19 & 20 Geo. III, c. 5 (Ir.).	An Act for establishing a Lottery (1779–80).
21 Geo. III, c. 14.	Lotteries (Ireland) Act, 1780.
33 Geo. III, c. 18 (Ir.).	An Act to prevent the Insurance of Lottery Tickets, to regulate the Drawing of Lotteries, and to amend the Laws respecting the same (1793).
42 Geo. III, c. 119.	Gaming Act, 1802.
46 Geo. III, c. 148.	Lotteries Act, 1806.
4 Geo. IV, c. 60.	Lotteries Act, 1823.
5 & 6 Will. IV, c. 41.	Gaming Act, 1835.
6 & 7 Will. IV, c. 66.	Lotteries Act, 1836.
8 & 9 Vic., c. 74.	Lotteries Act, 1845.
8 & 9 Vic., c. 109.	Gaming Act, 1845.
17 & 18 Vic., c. 38.	Gaming Houses Act, 1854.
55 & 56 Vic., c. 9.	Gaming Act, 1892.
No. 50 of 1923.	Gaming Act, 1923.

PART II.

ENACTMENTS REPEALED IN PART.

Session and Chapter or Number and Year	Short Title	Extent of Repeal
35 & 36 Vic., c. 94.	Licensing Act, 1872.	Paragraph (1) of section 17.
No. 7 of 1943.	Intoxicating Liquor Act, 1943.	Section 30.