

Changes to Legislation: as of 9 April 2026, there are changes to this Act which have not been implemented by the Revised Acts editorial team, see highlighted entries [here](#). Note that some amendments may not be in force until commenced by a commencement order or other provision.



Number 2 of 1956

GAMING AND LOTTERIES ACT 1956

REVISED

Updated to 31 July 2023

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 *Wildlife (Amendment) Act 2023 (25/2023)*, enacted 20 July 2023, and all statutory instruments up to and including the *Courts and Civil Law (Miscellaneous Provisions) Act 2023 (Commencement) Order 2023 (S.I. No. 389 of 2023)*, made 28 July 2023, were considered in the preparation of this Revised Act.

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Number 2 of 1956

GAMING AND LOTTERIES ACT 1956

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Number 2 of 1956

GAMING AND LOTTERIES ACT 1956

REVISED

Updated to 31 July 2023

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

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Annotations

Modifications (not altering text):

C1 Application of collectively cited *Gaming and Lotteries Acts* restricted (27.02.2014) by *National Lottery Act 2013* (13/2013), s. 50, commenced as per s. 1(3).

Exemption of National Lottery from Gaming and Lotteries Acts 1956 to 2013

50. The Gaming and Lotteries Acts 1956 to 2013 do not apply to the National Lottery.

C2 Application of collectively cited *Gaming and Lotteries Acts* restricted (27.10.2008) by *European Communities (Financial Instruments Analogous to Prize Bonds) Regulations 2008* (S.I. No. 419 of 2008), reg. 2

2. The Gaming and Lotteries Acts 1956 to 2003 do not apply to financial instruments which are analogous to non-interest bearing securities created and issued by the Minister for Finance under Part V of the Finance (Miscellaneous Provisions) Act 1956 (No. 47 of 1956), in relation to which chance may be used to select particular securities for prizes, issued by—

- (a) another Member State,
- (b) a regional authority in another Member State, or
- (c) a local authority in another Member State.

C3 Application of collectively cited Gaming and Lotteries Acts restricted (15.07.1986) by *National Lottery Act 1986* (28/1986), s. 32, commenced on enactment.

Exemption of National Lottery from Gaming and Lotteries Acts, 1956 to 1979.

32.— The Gaming and Lotteries Acts, 1956 to 1979, shall not apply to the National Lottery.

C4 Application of Act restricted (27/12/1956) by *Finance (Miscellaneous Provisions) Act 1956* (47/1956), s. 22(5), commenced on enactment.

Prize bonds.

2.— ...

(5) Nothing contained in the Gaming and Lotteries Act, 1956 (No. 2 of 1956), shall apply in relation to prize bonds.

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.

Annotations

Editorial Notes:

E1 Power pursuant to subs. (2) exercised (1.03.1956) by *Gaming and Lotteries Act, 1956 (Commencement) Order 1956* (S.I. No. 18 of 1956).

2. The 1st day of March, 1956, is hereby appointed to be the day on which the Gaming and Lotteries Act, 1956 (No. 2 of 1956), shall come into operation.

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.

Annotations

Amendments:

F1 Inserted (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019* (44/2019), s. 2, commenced as per s. 27(3).

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.]

Annotations

Amendments:

F2 Substituted (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019* (44/2019), s. 3, S.I. No. 227 of 2020.

Editorial Notes:

E2 Previous affecting provision: subs. (1)(c) substituted (20.03.1979) by *Gaming and Lotteries Act 1979* (6/1979), s. 1(a), commenced on enactment; section substituted as per F-Note above.

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

Annotations

Amendments:

F3 Repealed (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019* (44/2019), s. 24(1), S.I. No. 227 of 2020.

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

Annotations

Amendments:

F4 Repealed (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019 (44/2019)*, s. 24(1), S.I. No. 227 of 2020.

Gaming at
carnivals. **7.**— F5[...]

Annotations

Amendments:

F5 Repealed (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019 (44/2019)*, s. 24(1), S.I. No. 227 of 2020.

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

Annotations

Amendments:

F6 Repealed (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019 (44/2019)*, s. 24(1), S.I. No. 227 of 2020.

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

Annotations

Amendments:

F7 Repealed (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019 (44/2019)*, s. 24(1), S.I. No. 227 of 2020.

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.]

Annotations

Amendments:

- F8** Inserted (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019* (44/2019), s. 4, S.I. No. 227 of 2020.

F9 Substituted by *Garda Síochána (Functions and Operational Areas) Act 2022 (7/2022)*, s. 4(1) and sch. ref no. 9, not commenced as of date of revision, subject to transitional provisions in ss. 13, 17, 26.

Modifications (not altering text):

C5 Prospective affecting provision: subss. (1)-(5), (16) amended by *Garda Síochána (Functions and Operational Areas) Act 2022 (7/2022)*, s. 4(1) and sch. ref no. 9, not commenced as of date of revision, subject to transitional provisions in ss. 13, 17, 26.

(1) Subject to the provisions of this section, a person may apply to F9[an inspector of the Garda Síochána in the Garda division] 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) ...

(c) be made to the F9[inspector] 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 F9[inspector] 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 F9[inspector] may refuse to grant the person the permit.

(4) F9[An inspector] 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) ...

(5) In considering an application under this section, the F9[inspector] of the Garda Síochána shall have regard to the following:

(a) ...

(16) F9[The chief superintendent of the Garda Síochána division shall cause to be kept a register of all gaming permits—

(a) issued within his or her division] 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).

...

Prohibition of slot-machines.

10.— F10[...]

Annotations

Amendments:

F10 Repealed (26.05.1970) by *Gaming and Lotteries Act 1970 (6/1970)*, s. 1, commenced on enactment.

Cheating.

11.— F11[...]

Annotations**Amendments:**

- F11** Repealed (1.08.2002) by *Criminal Justice (Theft and Fraud Offences) Act 2001* (50/2001), s. 3(1) and sch. 1, S.I. No. 252 of 2002, art. 2(a).

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.

F12[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.]

Annotations

Amendments:

- F12** Substituted (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019 (44/2019)*, s. 5, S.I. No. 227 of 2020.

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) F13[...]

(4) F14[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.

Annotations

Amendments:

- F13** Deleted (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019 (44/2019)*, s. 6(a), S.I. No. 227 of 2020.
- F14** Substituted (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019 (44/2019)*, s. 6(b), S.I. No. 227 of 2020.

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.

Annotations

Amendments:

- F15** Substituted by *Garda Síochána (Functions and Operational Areas) Act 2022 (7/2022)*, s. 4(1) and sch. ref no. 9, not commenced as of date of revision, subject to transitional provisions in ss. 13, 17, 26.

Modifications (not altering text):

C6 Prospective affecting provision: subs. (1)(a) amended by *Garda Síochána (Functions and Operational Areas) Act 2022 (7/2022)*, s. 4(1) and sch. ref no. 9, not commenced as of date of revision, subject to transitional provisions in ss. 13, 17, 26.

(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 F15[an Inspector of the Garda division in which the said premises are situate].

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.

Annotations**Amendments:**

F16 Substituted by *Garda Síochána (Functions and Operational Areas) Act 2022 (7/2022)*, s. 4(1) and sch. ref no. 9, not commenced as of date of revision, subject to transitional provisions in ss. 13, 17, 26.

Modifications (not altering text):

C7 Prospective affecting provision: subs. (2) amended by *Garda Síochána (Functions and Operational Areas) Act 2022 (7/2022)*, s. 4(1) and sch. ref no. 9, not commenced as of date of revision, subject to transitional provisions in ss. 13, 17, 26.

(2) At the hearing, the local authority, F16[an Inspector] 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.

F17[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 F18[section 1094 of the Taxes Consolidation Act, 1997].]

Annotations

Amendments:

- F17** Inserted (17.06.1993) by *Finance Act 1993* (13/1993), s. 79(3), commenced on enactment.
- F18** Substituted (6.04.1997) by *Taxes Consolidation Act 1997* (39/1997) s. 1100 and sch. 31, commenced as per s. 1097.

Modifications (not altering text):

- C8** Excise duty prescribed (28.05.1992) by *Finance Act 1992* (9/1992), s. 160(2), commenced on enactment. £125 converted (1.01.1999) to €158.72, £250 to €317.44, £375 to 476.15 and £500 to 634.87.

Increase of duties on certain other licences, etc.

160.— ...

(2) The duty of excise imposed by section 17 of the Finance Act, 1956, on gaming licences issued under section 19 of the Gaming and Lotteries Act, 1956, shall be charged, levied and paid on such licences issued on or after the 1st day of June, 1992, at the rates specified in Part III of the Sixth Schedule in lieu of the rates specified in Part III of the Sixth Schedule to the Finance Act, 1989.

...

Sixth Schedule

...

PART III

Gaming Licences

Section 160.

Description of Licence	Rate of Duty
Where the period for which the licence is to be issued as specified in the certificate under the <i>Gaming and Lotteries Act, 1956</i> , authorising the issue of the licence—	
(a) does not exceed three months	£125
(b) exceeds three months but does not exceed six months	£250
(c) exceeds six months but does not exceed nine months	£375
(d) exceeds nine months	£500

Editorial Notes:

- E3** Previous affecting provision: rates of duty under section prescribed (25.06.1989) by *Finance Act 1989* (10/1983), s. 47(2) and sch. 6 part III, commenced on enactment; superseded as per C-note above.
- E4** Previous affecting provision: rates of duty under section prescribed (25.06.1983) by *Finance Act 1983* (15/1983), s. 62 and sch. 2, commenced on enactment; superseded as per E-note above.
- E5** Previous affecting provision: rates of duty under section prescribed (25.06.1980) by *Finance Act 1980* (14/1980), s. 77(3) and sch. 7 part III, commenced on enactment; superseded as per E-note above.
- E6** Previous affecting provision: rates of duty under section prescribed (14.05.1975) by *Finance Act 1975* (6/1975), s. 42, commenced on enactment; superseded as per E-note above.
- E7** Previous affecting provision: rates of duty under section prescribed (10.07.1956) by *Finance Act 1956* (22/1956), s. 17, commenced on enactment; superseded as per E-note above.

F19[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.]

Annotations**Amendments:**

- F19** Inserted (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019* (44/2019), s. 7, S.I. No. 227 of 2020.

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.** — F20[...]

Annotations

Amendments:

F20 Repealed (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019 (44/2019)*, s. 24(1), S.I. No. 227 of 2020.

Advertisement of lotteries. **22.** — F21[...]

Annotations

Amendments:

F21 Repealed (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019 (44/2019)*, s. 24(1), S.I. No. 227 of 2020.

Editorial Notes:

E8 Previous affecting provision: application of section restricted (15.07.1986) by *National Lottery Act 1986 (28/1986)*, s. 33(1), commenced on enactment; section repealed as per F-note above.

F22[Non-Application **22A.** — F23[...]]
of Section 22

Annotations

Amendments:

F22 Inserted (27.02.2014) by *National Lottery Act 2013 (13/2013)*, s. 51(1)(a), S.I. No. 102 of 2014.

F23 Repealed (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019 (44/2019)*, s. 24(1), S.I. No. 227 of 2020.

Private lotteries. **23.** — F24[...]

Annotations

Amendments:

F24 Repealed (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019 (44/2019)*, s. 24(1), S.I. No. 227 of 2020.

Lotteries at dances and concerts. **24.** — F25[...]

Annotations**Amendments:**

F25 Repealed (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019 (44/2019)*, s. 24(1), S.I. No. 227 of 2020.

Lotteries at
carnivals and
other events.

25. — F26[...]**Annotations****Amendments:**

F26 Repealed (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019 (44/2019)*, s. 24(1), S.I. No. 227 of 2020.

Lotteries under
permit or licence.

F27**[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.]

Annotations**Amendments:**

F27 Substituted (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019 (44/2019)*, s. 8, S.I. No. 227 of 2020.

Non-Application
of Section 26

F28**[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.]

Annotations**Amendments:**

F28 Inserted (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019 (44/2019)*, s. 9, S.I. No. 227 of 2020.

Permits.

27. — F29[...]

Annotations**Amendments:**

- F29** Repealed (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019* (44/2019), s. 24, S.I. No. 227 of 2020, subject to transitional provision in subs. (2).

Modifications (not altering text):**Editorial Notes:**

- E9** Previous affecting provision: subs. 27(2)(b) substituted (27.02.2014) by *National Lottery Act 2013* (13/2013), s. 51(b), S.I. No. 102 of 2014; section repealed as per F-note above.
- E10** Previous affecting provision: subs. (4) amended (27.02.2014) by *National Lottery Act 2013* (13/2013), s. 51(1)(c), S.I. No. 102 of 2014; section repealed as per F-note above.
- E11** Previous affecting provision: requirement to lay regulations made under this provision before the Oireachtas prescribed (27.02.2014) by *National Lottery Act 2013* (13/2013), s. 51(2), S.I. No. 102 of 2014; section repealed as per F-note above.
- E12** Previous affecting provision: form prescribed (1.05.1997) by *District Court Rules, 1997* (S.I. No. 93/1997), ord. 66, rl. 4, form 66.5-6, sch. C; section repealed as per F-note above.
- E13** Previous affecting provision: subs. (3) amended (6.04.1997) by *Taxes Consolidation Act, 1997* (39/1997) s. 1100 and sch. 31; section repealed as per F-note above.
- E14** Previous affecting provision: subss. 2(b), (4) amended (23.03.1987) by *Lottery Prizes Regulations 1987* (S.I. No. 72 of 1987), reg. 2(a), in effect as per reg. 1(2).
- E15** Previous affecting provision: power of Minister to amend regulations provided (15.07.1986) by *National Lottery Act 1986* (28/1986), s. 33(2), commenced on enactment; section repealed as per F-note above.

F30[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).]

Annotations**Amendments:**

F30 Inserted (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019 (44/2019)*, s. 10, S.I. No. 227 of 2020.

F31 [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.]

Annotations

Amendments:

F31 Inserted (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019* (44/2019), s. 11, S.I. No. 227 of 2020.

F32 Substituted by *Garda Síochána (Functions and Operational Areas) Act 2022* (7/2022), s. 4(1) and sch. ref no. 9, not commenced as of date of revision, subject to transitional provisions in ss. 13, 17, 26.

F33 Substituted (31.07.2023) by *Courts and Civil Law (Miscellaneous Provisions) Act 2023 (18/2023)*, s. 125, S.I. No. 389 of 2023.

Modifications (not altering text):

C9 Prospective affecting provision: subss. (1)-(5), (15) amended by *Garda Síochána (Functions and Operational Areas) Act 2022 (7/2022)*, s. 4(1) and sch. ref no. 9, not commenced as of date of revision, subject to transitional provisions in ss. 13, 17, 26.

(1) Subject to the provisions of this Act, a person may apply to F32[an inspector of the Garda Síochána in the Garda division] 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) ...

(c) be made to the F32[inspector] 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 F32[inspector] 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 F32[inspector] may refuse to grant the person the permit.

(4) F32[An inspector] 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) ...

(5) In considering an application under this section for a lottery permit, the F32[inspector] of the Garda Síochána concerned shall have regard to the following:

(a)...

(15) F32[F33[The chief superintendent of the Garda Síochána division shall cause to be kept a register of all lottery permits]—

(a) issued within his or her division] 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).

...

Lottery licence. F34[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 F35[licence].

(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.]

Annotations

Amendments:

- F34** Substituted (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019* (44/2019), s. 12, S.I. No. 227 of 2020, art. 2.
- F35** Substituted (31.07.2023) by *Courts and Civil Law (Miscellaneous Provisions) Act 2023* (18/2023), s. 119, S.I. No. 389 of 2023.
- F36** Substituted by *Garda Síochána (Functions and Operational Areas) Act 2022* (7/2022), s. 4(1) and sch. ref no. 9, not commenced as of date of revision, subject to transitional provisions in ss. 13, 17, 26.

Modifications (not altering text):

- C10** Prospective affecting provision: subs. (4) amended by *Garda Síochána (Functions and Operational Areas) Act 2022* (7/2022), s. 4(1) and sch. ref no. 9, not commenced as of date of revision, subject to transitional provisions in ss. 13, 17, 26.
- (4) On the hearing of an application under this section for a lottery licence, F36[an inspector of the Garda Síochána in the Garda division] 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.

Editorial Notes:

- E16** Requirement to lay regulations made under this provision before the Oireachtas prescribed (27.02.2014) by *National Lottery Act 2013* (13/2013), s. 51(2), S.I. No. 102 of 2014.
- E17** Previous affecting provision: subs. (2)(c) substituted (27.02.2014) by *National Lottery Act 2013* (13/2013), s. 51(1)(d), S.I. No. 102 of 2014; section substituted as per F-note above.
- E18** Previous affecting provision: subs. (2)(c) amended (1.03.2002) by *Lottery Prizes Regulations 2002* (S.I. No. 29 of 2002), reg. 2, in effect as per reg. 1(2); amended as per E-note above.

- E19** Previous affecting provision: subs. (2)(c) amended (1.08.2000) by *Lottery Prizes Regulations 2000* (S.I. No. 174 of 2000), reg. 2, in effect as per reg. 1(2); amended as per E-note above.
- E20** Previous affecting provision: subs. (2)(c) amended (23.03.1987) by *Lottery Prizes Regulations 1987* (S.I. No. 72 of 1987), reg. (2)(b), in effect as per reg. 1(2); amended as per E-note above.
- E21** Previous affecting provision: power of Minister to amend section provided (15.07.1986) by *National Lottery Act 1986* (28/1986), s. 33(2), commenced on enactment; repealed (27.02.2014) by *National Lottery Act 2013* (13/2013) s. 3, S.I. No. 201 of 2014.

F37[Matters to take into consideration when making regulations under section 27 or 28

28A.—F38[...]

Annotations

Amendments:

- F37** Inserted (27.02.2014) by *National Lottery Act 2013* (13/2013), s. 51(1)(e), S.I. No. 102 of 2014.
- F38** Repealed (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019* (44/2019), s. 24(1), S.I. No. 227 of 2020.

Notice of application for licence.

29. —F39[...]

Annotations

Amendments:

- F39** Repealed (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019* (44/2019), s. 24(1), S.I. No. 227 of 2020.

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 F40[...].

Annotations

Amendments:

- F40** Deleted (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019* (44/2019), s. 13, S.I. No. 227 of 2020.

Hearing of application.

31. —F41[...]

Annotations**Amendments:**

- F41** Repealed (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019 (44/2019)*, s. 24(1), S.I. No. 227 of 2020.

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.

F42[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.]

Annotations**Amendments:**

- F42** Substituted (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019 (44/2019)*, s. 14, S.I. No. 227 of 2020.
- F43** Substituted by *Garda Síochána (Functions and Operational Areas) Act 2022 (7/2022)*, s. 4(1) and sch. ref no. 9, not commenced as of date of revision, subject to transitional provisions in ss. 13, 17, 26.

Modifications (not altering text):

- C11** Prospective affecting provision: subs. (1) amended by *Garda Síochána (Functions and Operational Areas) Act 2022 (7/2022)*, s. 4(1) and sch. ref no. 9, not commenced as of date of revision, subject to transitional provisions in ss. 13, 17, 26.

(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 F43[*inspector*] of the Garda Síochána or Court by whom the permit or licence was issued.

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

34.— F44[...]

Annotations

Amendments:

F44 Repealed (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019 (44/2019)*, s. 24(1), S.I. No. 227 of 2020.

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. — F45[(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 F46[gaming instrument or gaming machine] having any such device.

Annotations**Amendments:**

- F45** Substituted (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019* (44/2019), s. 15(a), S.I. No. 227 of 2020.
- F46** Substituted (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019* (44/2019), s. 15(b), S.I. No. 227 of 2020.

Editorial Notes:

- E22** Previous affecting provision: subs. (1) amended (20.03.1979) by *Gaming and Lotteries Act 1979* (6/1979), s. 1(b), commenced on enactment; section substituted as per F-note above.

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 F47[...].

Annotations**Amendments:**

- F47** Deleted (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019* (44/2019), s. 16, commenced as per s. 27(3), S.I. No. 227 of 2020, art. 2.

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 F48[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.

Annotations

Amendments:

F48 Substituted (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019* (44/2019), s. 17, S.I. No. 227 of 2020.

Editorial Notes:

E23 Previous affecting provision: section amended (20.03.1979) by *Gaming and Lotteries Act 1979* (6/1979), s. 1(b), commenced on enactment; substituted as per F-note above.

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.

F49[**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.]

Annotations

Amendments:

F49 Substituted (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019* (44/2019), s. 18, S.I. No. 227 of 2020, art. 2. As provided (4.01.2011) by *Fines Act 2010* (8/2020), ss. 3 and 4(1), 6(1), 7(1), S.I. No. 662 of 2011, a class A fine means a fine not exceeding €5,000, a class C fine means a fine not exceeding €2,500 and a class D fine means a fine not exceeding €1,000.

Offences in relation to bodies corporate and unincorporated bodies.

45.— F50[...]

Annotations

Amendments:

F50 Repealed (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019 (44/2019)*, s. 24(1), S.I. No. 227 of 2020.

Revocation of licences and permits.

F51[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.]

Annotations

Amendments:

F51 Substituted (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019 (44/2019)*, s. 19, S.I. No. 227 of 2020.

F52 Substituted by *Garda Síochána (Functions and Operational Areas) Act 2022 (7/2022)*, s. 4(1) and sch. ref no. 9, not commenced as of date of revision, subject to transitional provisions in ss. 13, 17, 26.

Modifications (not altering text):

C12 Prospective affecting provision: subs. (1) amended by *Garda Síochána (Functions and Operational Areas) Act 2022 (7/2022)*, s. 4(1) and sch. ref no. 9, not commenced as of date of revision, subject to transitional provisions in ss. 13, 17, 26.

(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 F52[in the Garda division in which] 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.

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 F53[gaming instrument or gaming machine] used in the commission of the offence or, in case of a conviction under F53[section 4], any F53[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.

Annotations**Amendments:**

- F53** substituted (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019* (44/2019), s. 20(a), (b), S.I. No. 227 of 2020.

Destruction of documents.

48. — On a conviction for an offence in relation to a F54[lottery or gaming] the Court may order the destruction of any documents relating to the F54[lottery or gaming].

Annotations**Amendments:**

- F54** Substituted (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019* (44/2019), s. 21, S.I. No. 227 of 2020.

Postal packets containing unlawful documents posted in the State.

49. — (1) F55[F56[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.

Annotations**Amendments:**

- F55** Substituted (13.07.1983) by *Postal and Telecommunications Services Act 1983* (24/1983), s. 8(1) and sch. 4 part 1, commenced on enactment.
- F56** Substituted (2.08.2011) by *Communications Regulation (Postal Services) Act 2011* (21/2011), s. 5 and sch. 2.
- F57** Substituted by *Garda Síochána (Functions and Operational Areas) Act 2022* (7/2022), s. 4(1) and sch. ref no. 9, not commenced as of date of revision, subject to transitional provisions in ss. 13, 17, 26.

Modifications (not altering text):

- C13** Prospective affecting provision: subs. (1) amended by *Garda Síochána (Functions and Operational Areas) Act 2022* (7/2022), s. 4(1) and sch. ref no. 9, not commenced as of date of revision, subject to transitional provisions in ss. 13, 17, 26.

(1) F55[F56[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 F57[Inspector].

Records, accounts
and returns.

50. — F58[(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.

Annotations

Amendments:

F58 Substituted (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019* (44/2019), s. 22, S.I. No. 227 of 2020.

Editorial Notes:

E24 Power pursuant to section exercised (22.02.1966) by *Periodical Lotteries Regulations 1966* (S.I. No. 32 of 1966).

E25 Power pursuant to section exercised (1.12.1961) by *Periodical Lotteries Regulations 1961* (S.I. No. 212 of 1961), in effect as per reg. 1(2).

F59[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.]

Annotations

Amendments:

F59 Inserted (1.12.2020) by *Gaming and Lotteries (Amendment) Act 2019* (44/2019), s. 22, S.I. No. 227 of 2020.

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.



Number 2 of 1956

GAMING AND LOTTERIES ACT 1956

REVISED

Updated to 31 July 2023

About this Revised Act

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 2013: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*National Lottery Act 2013* (13/2013), s. 1(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 (ss. 50, 51)

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)
- *Gaming and Lotteries (Amendment) Act 2019* (44/2019)

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

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.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to 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.

Acts which affect or previously affected this revision

- *Courts and Civil Law (Miscellaneous Provisions) Act 2023* (18/2023)
- *Garda Síochána (Functions and Operational Areas) Act 2022* (7/2022)
- *Gaming and Lotteries (Amendment) Act 2019* (44/2019)
- *National Lottery Act 2013* (13/2013)
- *Communications Regulation (Postal Services) Act 2011* (21/2011)
- *Criminal Justice (Theft and Fraud Offences) Act 2001* (50/2001)
- *Taxes Consolidation Act 1997* (39/1997)
- *Finance Act 1993* (13/1993)
- *Finance Act 1992* (9/1992)
- *Finance Act 1989* (10/1989)
- *National Lottery Act 1986* (28/1986)
- *Postal and Telecommunications Services Act 1983* (24/1983)
- *Gaming and Lotteries Act 1979* (6/1979)
- *Finance Act 1975* (6/1975)
- *Gaming and Lotteries Act 1970* (6/1970)
- *Finance (Miscellaneous Provisions) Act 1956* (47/1956)
- *Finance Act 1956* (22/1956)

All Acts up to and including *Wildlife (Amendment) Act 2023* (25/2023), enacted 20 July 2023, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Lottery Prizes Regulations 2002* (S.I. No. 29 of 2002)
- *Lottery Prizes Regulations 2000* (S.I. No. 174 of 2000)
- *Lottery Prizes Regulations 1987* (S.I. No. 72 of 1987)
- *Periodical Lotteries Regulations 1966* (S.I. No. 32 of 1966)
- *Periodical Lotteries Regulations 1961* (S.I. No. 212 of 1961)
- *Gaming and Lotteries Act, 1956 (Commencement) Order 1956* (S.I. No. 18 of 1956)

All statutory instruments up to and including *Courts and Civil Law (Miscellaneous Provisions) Act 2023 (Commencement) Order 2023* (S.I. No. 389 of 2023), made 28 July 2023, were considered in the preparation of this revision.