



**NICVA Submission to the NI Assembly  
Committee for Communities on the Betting,  
Gaming, Lotteries and Amusements  
(Amendment) Bill**

**1 December 2021**

## **Background**

NICVA (the Northern Ireland Council for Voluntary Action) welcomes the opportunity to provide this briefing to the Committee for Communities on the Charities Bill.

NICVA is the umbrella representative organisation for the voluntary and community sector in Northern Ireland with a membership of over 1,100 organisations.

NICVA's response is based on its role as the representative body for the voluntary and community sector in Northern Ireland. Comments are based on practice and informed by previous consultations on gambling reform as well as years of experience in advising voluntary and community organisations on the rules around various aspects of fundraising including raffles and lotteries.

NICVA is only providing comments on the relevant policy areas which affect fundraising in the voluntary and community sector, namely societies' lotteries. We acknowledge that other charities which have experience of the fallout from problem gambling will be best placed to comment on the other policy issues such as gaming machines and opening hours of bookmakers.

### **Clause 9: "Rules for societies' lotteries".**

NICVA does not envisage any objections to reforming societies lotteries as this is quite often seen as fundraising as opposed to gambling. Indeed, at the roundtable discussion that was held as part of the Department for Communities consultation on the regulation of gambling in January 2020, most participants agreed that they didn't associate buying a raffle ticket as gambling but rather seen it as supporting a good cause.

The current rules for societies' lotteries are completely outdated and limiting the fundraising capacity of many Societies which includes charities, sports clubs and other voluntary led organisations. NICVA warmly welcomes the provision to remove the £1 ticket price of a society lottery ticket. A Society should be permitted to set its own ticket price as it is better placed to know what price would be acceptable to charge.

By way of example to demonstrate how restrictive and cumbersome the current regulations are: if a Society currently wants to run a draw/raffle with a substantial prize, for example to win a car worth £25,000, it is obliged by current legislation to sell the raffle tickets for £1 each - it is not permitted to sell the tickets at £5 or £10. So, in order to raise the maximum amount of money permitted, the Society would have to sell 80,000 tickets at £1 each.

Also, Societies in Northern Ireland are at a disadvantage in comparison to their counterparts in GB in terms of the restrictions that are placed on them with regard to the caps on the price of a ticket, income and prizes.

Provision to increase the caps on ticket sales and prizes have not been included in this Bill, that is, the £80,000 cap on total value of ticket sales in each lottery has not been revised, neither has the £25,000 cap on the maximum value of a prize.

NICVA understands that the Minister is considering amending these caps by secondary legislation (as opposed to inclusion in primary legislation) as she has the power to do so under Article 137(21) of the existing Betting, Gaming, Lotteries and Amusements (NI) Order 1985.

While we appreciate that the Minister has already used her powers to permit Societies to sell their lottery tickets online from 7 September 2021 there has been no date set for further regulations to increase the caps on ticket sales and prizes that we are aware of. Secondary legislation should be implemented to change these caps before April 2022 otherwise a future Minister may not see the need for this to happen.

### **Reforms needed for other lotteries but not included in the Bill**

There are no provisions in the Bill to update the rules for other types of lotteries, namely 'Private Lotteries' and 'Small Lotteries at exempt entertainments'. It would be a missed opportunity not to update the rules for these either by secondary legislation or within this Bill.

#### Issues with Private lotteries

The rules on private lotteries does not permit ticket sales of more than £1,000 and tickets must be sold on the premises.

As a consequence of the covid pandemic and the resultant working from home for many, the requirement that private lottery tickets must be sold on the premises has meant that it would be difficult to run a private lottery as the requirement is that tickets must be sold on the premises. Private lotteries should be permitted to sell their tickets by electronic means to those who would normally frequent their premises, whether it be employees, members or visitors to their premises.

The ticket sales cap of £1,000 should be increased to £10,000 as this can be a useful form of fundraising by organisations who have their own premises or indeed workforces who want to fundraise within their workplace for a good cause.

#### Issues with Small lotteries at exempt entertainments

The rules for small lotteries at exempt entertainments state that tickets are only permitted to be sold 'on the premises on which the entertainment takes place and during the progress of the entertainment'. The covid pandemic has seen charities and other societies having to move these exempt entertainments online in order to keep people safe while at the same time raising vital funds.

If we take the table quiz as an example, this can easily be held online but the wording of the legislation would appear to prohibit the sale of raffle tickets at this exempt entertainment as it is being held online and not in 'premises'. We

recommend therefore that the words 'on the premises' is removed from Section 133(2)(b) of the 1985 Order to allow for exempt entertainments to happen online.

We would also question why raffle tickets are not permitted to be sold prior to the event and would ask that this prohibition be removed also as, in practice, many organisations do sell the raffle tickets prior to the event without knowing that they shouldn't.

It is also a requirement for the organisation to notify the police seven days in advance that a small lottery is happening at an exempt entertainment. NICVA would question if this is still necessary to be included given that many raffles that take place are unlikely to be notified to the police.

### **Clause 11: "Prize competitions not requiring persons to pay to participate".**

While free prize draws may be something which are intended to be used by commercial organisations, they are also of interest to some voluntary led organisations.

NICVA is unsure however if Section 168 of the 1985 Order also applies to charities and other voluntary led organisations as 168 (1) refers to conducting prize competitions through 'any newspaper, or in connection with any trade or business'.

If section 168 does not apply to voluntary led organisations then we would strongly recommend that the Department issues guidance on prize competitions and free draws to explain what is best practice in this area in the same way that the Gambling Commission does in GB. To date we have been using the GB guidance as a benchmark of best practice. [Prize competitions and free draws - the requirements of the gambling act 2005 \(ctfassets.net\)](http://ctfassets.net) The Department's guidance note on [The law on lotteries in Northern Ireland \(communities-ni.gov.uk\)](http://communities-ni.gov.uk) could be used to include guidance on this.

An example of how a charity or an independent fundraising appeal may use a free prize draw is to encourage donations or entry to an event and the donor's or participant's name would be entered into a free prize draw.

Voluntary organisations also run pay to enter prize competitions as a way of fundraising for their organisations. Prize competitions depends on the exercise of skill, judgement or knowledge by the participants. This distinguishes them from lotteries, where success depends wholly on chance so they do not fall under the remit of societies lotteries legislation.

NICVA would not want to see either of these examples hampered by the introduction of new legislation, as voluntary organisations are continually having to think of different ways in which to diversify their fundraising.

## Response ID ANON-T16K-FZ4Q-B

Submitted to Betting, Gaming, Lotteries and Amusements (Amendment) Bill - Call for evidence and views  
Submitted on 2021-11-26 13:03:14

### Introduction

1 How would you like your response to be published?

I would like my response to be published.

2 Are you content that any of your suggestions which have been published to the Committee or the Assembly may inspire the text of an amendment?

Yes

3 What is your name?

Name:  
Denise Copeland

4 What is your email address?

Email:  
denise.copeland@nicva.org

5 Please indicate if you are providing a response:

On behalf of a organisation or business

If on behalf of an organisation or business, please state its name::

Northern Ireland Council for Voluntary Action (NICVA)

### Policy objectives of the Bill

6 Do you think that the Bill will meet its overall policy objectives to: address a number of specific anomalies with regard to the current regulation of land based betting, gaming, lottery and amusement activities and to strengthen existing regulatory protections for operators and consumers as well as young people and those who may be vulnerable to gambling harm?

Yes

Please explain your answer:

NICVA is only providing comments on the relevant policy areas which affect fundraising in the voluntary and community sector, namely societies' lotteries. We acknowledge that other charities which have experience of the fallout from problem gambling will be best placed to comment on the other policy issues such as gaming machines and opening hours of bookmakers.

In respect of the amendment to the rules for societies' lotteries, it does. NICVA does not envisage any objections to reforming societies lotteries as this is quite often seen as fundraising as opposed to gambling. Indeed at the roundtable discussion that was held as part of the Department for Communities consultation on the regulation of gambling in January 2020, most participants agreed that they didn't associate buying a raffle ticket as gambling but rather seen it as supporting a good cause.

7 Do you foresee any unintended consequences of any of the policy objectives of the Bill?

Other

Please explain your answer:

With respect to Societies' lotteries, we would be concerned that the non inclusion of further amendments may not happen by secondary legislation as anticipated, however we do appreciate that the Minister has the intention to make this happen.

There are no provisions in the Bill to update the rules for other types of lotteries, namely 'Private Lotteries' and 'Small Lotteries at exempt entertainments'. It would be a missed opportunity not to update the rules for these either by secondary legislation or within this Bill.

Issues with Private lotteries

The rules on private lotteries does not permit ticket sales of more than £1,000 and tickets must be sold on the premises.

The ticket sales cap of £1,000 could be increased to £10,000 as this can be a useful form of fundraising by organisations who have their own premises or indeed workforces who want to fundraise within their workplace for a good cause.

As a consequence of the covid pandemic and the resultant working from home for many, the requirement that private lottery tickets must be sold on the premises has meant that it would be difficult to run a private lottery as the requirement is that tickets must be sold on the premises. Private lotteries should be permitted to sell their tickets by electronic means to those who would normally frequent their premises (but are not necessarily in them), whether it be employees, members or visitors to their premises.

#### Issues with Small lotteries at exempt entertainments

The rules for small lotteries at exempt entertainments are only permitted to be sold 'on the premises on which the entertainment takes place and during the progress of the entertainment'.

The covid pandemic has seen charities and other societies having to move these exempt entertainments online in order to keep people safe while at the same time raising vital funds.

If we take the table quiz as an example, this can easily be held online but the wording of the legislation would appear to prohibit the sale of raffle tickets at this exempt entertainment as it is being held online and not in premises. We recommend therefore that the words 'on the premises' is removed from Section 133(2)(b) of the 1985 Order to allow for exempt entertainments to happen online.

We would also question why raffle tickets are not permitted to be sold prior to the event and would ask that this prohibition be removed also as, in practice, many organisations do sell the raffle tickets prior to the event without knowing that they shouldn't.

It is also a requirement for the organisation to notify the police 7 days in advance that a small lottery is happening at an exempt entertainment. NICVA would question if this is still necessary to be included given that many raffles that take place are unlikely to be notified to the police.

### Clauses 1, 2 and 3

8 Clause 1: "Interpretation": confirms that all references to "the 1985 Order" within the Bill mean the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985. Do you have any comments on this?

Comments on References as per Clause 1:

no

9 Clause 2: "Opening of licensed offices on Sunday and Good Friday". Do you agree with this clause, which amends Article 31 of the 1985 Order to allow licensed offices to be opened for the transaction of business on Sundays and Good Fridays, but not on Christmas Day including Christmas Days which fall on a Sunday?

Not Answered

Please explain your answer:

10 Clause 3: "Sunday working in a licensed office". This clause will amend Schedule 8A of the 1985 Order to ensure that the rights of individuals employed in a licensed bookmakers' office will now mirror those of individuals who work at a track for a bookmaker with respect to Sunday working. Do you agree with this Clause?

Not Answered

Please explain your answer:

11 Do you think Clause 3 will allow sufficient protection for those working on a Sunday in this industry?

Not Answered

Please explain your answer:

### Clauses 4, 5 and 6

12 Clause 4: "Pool betting". This clause will amend Article 44 of the 1985 Order to restrict any person, other than a registered pool promoter, from carrying on any pool betting business except at a licensed track and except by means of a totalisator operated in accordance with Article 45. Do you agree that it is right to restrict pool betting business to registered pool promoters?

Not Answered

Please explain your answer:

13 Clause 5: "Persons who may participate in bingo at a bingo club". This Clause will amend Article 75 of the 1985 Order to ensure that only members of a bingo club and their guests are allowed to participate or take part in bingo at a bingo club premises. The amendment also means that members of the bingo club and their guests may also take part in bingo at the premises irrespective of any time elapsing since application for club membership was made. Do you agree with this cause?

Not Answered

Please explain your answer:

14 Clause 5 also removes the current exemption which allows cleaners or certain other employees of the bingo club as may be prescribed by regulations, to play bingo. Do you agree with this cause?

Not Answered

Please explain your answer:

15 Clause 6: "Days when bingo and use of gaming machines permitted on bingo club premises". Do you agree with this clause which will amend Articles 76 and 108 of the 1985 Order to allow bingo to take place and gaming machines to be made available on bingo club premises on Sundays and Good Fridays, but not on Christmas Day including Christmas Days which fall on a Sunday?

Not Answered

Please explain your answer:

Clauses 7, 8 and 9

16 Clause 7: "Offence of inviting, etc. person under 18 to play gaming machine". This clause inserts a new entry into the 1985 Order to create a new offence in relation to the playing of gaming machines by persons under the age of 18. Punishment can be imprisonment for 6 months. Do you agree with this new offence?

Not Answered

Please explain your answer:

17 Clause 7: Do you agree with the proposed level of punishment?

Not Answered

Please explain your answer:

18 Clause 8: "Arrangements not requiring persons to pay to participate". This clause amends Article 131 of the 1985 Order and introduces a new Schedule 15A to the Order with the result that it removes free to enter prize competition arrangements from the definition of a lottery. Do you agree with the removal of free to enter prize competition arrangements from the definition of a lottery?

Yes

Please explain your answer:

It would seem logical to remove this from the definition of a lottery.

19 Clause 9: "Rules for societies' lotteries". This clause amends Article 137 of the 1985 Order to remove the £1 ticket price for society lotteries – do you agree with this removal?

Yes

Please explain your answer:

The current rules for societies' lotteries are completely outdated and limiting the fundraising capacity of many Societies which includes charities, sports clubs and other voluntary led organisations. NICVA warmly welcomes the provision to remove the £1 ticket price of a society lottery ticket. By way of example to demonstrate how restrictive and cumbersome the current regulations are: if a Society currently wants to run a draw/raffle with a substantial prize, for example to win a car worth £25,000, it is obliged by current legislation to sell the raffle tickets for £1 each - it is not permitted to sell the tickets at £5 or £10. So, in order to raise the maximum amount of money permitted, the Society would have to sell 80,000 tickets at £1 each. A Society should be permitted to set its own ticket price as it is better placed to know what price would be acceptable to charge. Also, Societies in Northern Ireland are at a disadvantage in comparison to their counterparts in GB in terms of the restrictions that are placed on them with regard to the caps on the price of a ticket, income and prizes. Provision to increase the caps on ticket sales and prizes have not been included in this Bill, that is, the £80,000 cap on total value of ticket sales in each lottery has not been revised, neither has the £25,000 cap on the maximum value of a prize. NICVA understands that the Minister would be considering amending these caps by secondary legislation (as opposed to inclusion in primary legislation) as she has the power to do so under Article 137(21) of the existing Betting, Gaming, Lotteries and Amusements (NI) Order 1985. While we appreciate that the Minister has already used her powers to permit Societies to sell their lottery tickets online from 7 September 2021 there has been no date set for further regulations to increase the caps on ticket sales and prizes that we are aware of. Secondary legislation should be implemented to change these caps before April 2022 otherwise a future Minister may not see the need for this to happen.

20 Clause 9 will also amend Article 137 of the 1985 Order to alter the limit on the amount which may be appropriated for the expenses of a society lottery to 20% of the whole proceeds. Do you feel that this is an appropriate limit?

Yes

Please explain your answer:

This would appear appropriate.

## Clauses 10 and 11

21 Clause 10: "Qualifications by age, residence or corporate status for licences, certificates and permits". This Clause amends Articles 7, 61, 84 and 141 respectively of the 1985 Order to reduce the lower age limit from 21 to 18 years of age and remove the residency restrictions for grant of a bookmaker's licence, bingo club licence, a gaming machine certificate and permit and a lottery certificate. Do you feel that it is appropriate to lower the age limit from 21 years to 18 years of age in any or all of these categories?

Yes

Please explain your answer:

18 years of age seems to be reasonable.

22 Clause 10: Do you feel that it is appropriate to remove the residency restrictions?

Other

Please explain your answer:

Would this mean that lottery consultants in GB could then promote GB society lotteries in NI? If so, this provision should only be included if Societies in NI are able to generate the same income from a societies lottery and have the same prizes as Societies are permitted in GB.

23 Clause 10 also repeals Articles 7,61,84 and 141 to allow certain corporate bodies to hold a bookmaker's licence, bingo club licence, a gaming machine certificate and permit and a lottery certificate. Do you feel this is appropriate?

Not Answered

Please explain your answer:

24 Clause 10 also amends Articles 109 and 155 respectively of the 1985 Order to allow a body corporate to hold an amusement permit or a pleasure permit. Do you feel this is appropriate?

Not Answered

Please explain your answer:

25 Clause 11: "Prize competitions not requiring persons to pay to participate". This Clause introduces a new paragraph to Article 168 which specifies that a prize competition arrangement is not prohibited by Article 168 unless persons are required to pay to participate in the arrangement and refers to new Schedule 15A (Lotteries and Competitions: Requirements to Pay in Order to Participate) of the 1985 Order (introduced under Clause 8), as setting out what does and does not constitute a requirement to pay to participate in such an arrangement. Do you feel it is appropriate for there not to be a requirement to pay to participate?

Other

Please explain your answer:

While free prize draws may be something which would be used by commercial organisations, they may also be of interest to some Societies in NI.

NICVA is unsure if Section 168 also applies to charities and fundraisers as 168 (1) refers to conducting prize competitions through 'any newspaper, or in connection with any trade or business'.

An example of how a charity or an independent fundraising appeal may use a free prize draw is to encourage donations or entry to an event and the donor's or participant's name would be entered into a free prize draw.

Also voluntary organisations have been running competitions in which one has to pay to enter. A competition is where there is an element of skill involved, as opposed to societies' lotteries which are purely by chance. NICVA is unsure if it is Section 168(1)(b) of the 1985 Order that permits this or if there is another piece of legislation that covers it.

NICVA would not want to see either of these examples hampered by the introduction of new legislation, as voluntary organisations are continually having to think of different ways in which to diversify their fundraising.

## Clauses 12 and 13

26 Clause 12: "Cheating". This clause will replace the existing offence Article 169 in the 1985 Order with a new Article 169 to make it an offence for any person to either cheat at gambling or do anything to enable or assist another person to cheat at gambling. Do you think this clause is sufficient to deal with the offence of cheating?

Not Answered



Please explain your answer:

27 Clause 13: "Enforceability of gambling contracts". This clause repeals Articles 170 and 171 of the 1985 Order and will provide for contracts relating to gambling to be legally enforced without prejudice to any law which prohibits the enforcement of contracts on unlawfulness grounds. Do you think that it is appropriate that contracts relating to gambling are legally enforced?

Not Answered

Please explain your answer:

#### Clause 14

28 Clause 14: "Industry Levy". This Clause inserts a new Article 172A (Industry Levy) into the 1985 Order to will allow the Department to make regulations with regard to the payment of a levy to the Department by every person who intends to apply for the grant or renewal of a bookmakers' licence, bookmaking office licence, bingo club licence, gaming machine certificate or permit and amusement permit. Do you think that is right to introduce such a levy?

Not Answered

Please explain your answer:

29 Clause 14: The aim of the levy is that it will be expended on projects related to gambling addiction or other associated forms of harm and exploitation and that financial assistance may be provided by grants, loans or any other form of financial assistance. Do you think that this is an appropriate use of the levy?

Not Answered

Please explain your answer:

30 Clause 14: Do you have any further comments on what the regulations should cover or how the levy should be spent?

Any further comments?:

#### Clause 15

31 Clause 15: "Code of Practice". This Clause inserts a new Article 180A (Code of practice) into the 1985 Order and requires the Department to issue one or more mandatory Codes of practice about the manner in which facilities for gambling are provided. Do you feel that such a mandatory Code(s) of practice is appropriate?

Not Answered

Please explain your answer:

32 What kinds of Codes of practice do you think the Department should issue?

What kinds of codes of practice do you think the Department should issue?:

33 Do you have any other comments to make on the Code(s) of practice?

Do you have any other comments to make on the Code of Practice?:

#### General Views & Comments and Second Stage of Reform

34 Do you have any other views or comments you wish to make in connection with this Bill?

Do you have any other views or comments you wish to make in connection with the current Bill?:

35 "Second Stage of Reform" Are there any issues that the Department plan to deal with in the second stage of reforms that you feel should be dealt with in this first Bill?

Other

Please explain your answer:

full changes to all types of lotteries as outlined previously

36 What issues would you like to see addressed in the second stage of the reforms?

What issues would you like to see addressed in the second stage of the reforms?: