

Applying for a Lottery Permit - Information Note

Under section 27B of the Gaming and Lotteries Acts 1956-2019

Information Leaflet for Applicants



An Roinn Dlí agus Cirt
Department of Justice

Applying For a Lottery Permit

Under section 27B of the Gaming and Lotteries Acts 1956-2019

Lottery Permits

Section 11 of the 2019 Gaming and Lotteries (Amendment) Act inserts a new [section 27B](#) - Lottery Permits - into the original 1956 Act to provide for the promotion of lotteries up to a maximum prize value of €5,000.

The promotion of a lottery under a Permit may be for:

- (i) the benefit of community organisations, sports clubs, charities, etc., or
- (ii) the benefit of the promotor.

What Is A 'Lottery'?

A lottery is defined in section 2 of the Gaming and Lotteries 1956 Act as follows:

"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;"

N.B.:

This is an advisory document only, and does not purport to be a legal document. If in doubt, please engage professional legal advice.

Types of lotteries include:

- raffles
- draws
- sweepstakes
- bingo

Lotteries promoted under Permit are usually conducted on a physical or land based basis.

However, there is no prohibition on the promotion of the lottery online (e.g. sale of tickets, advertising), subject to adherence to the conditions for the promotion of a lottery in section 27B.

Prohibition

A person shall not promote a lottery unless he or she is the holder of a Lottery Permit that is in force and the lottery is conducted in accordance with the conditions of the Permit, or is the employee or agent acting for the Permit holder.

A person who promotes a lottery without a Permit shall be guilty of an offence.

Stake Limits

Tickets for a lottery promoted under permit may be sold for a maximum of **€10** per ticket.

Prize Limits

The **total prize fund** for a lottery under permit is set at a maximum of **€5,000**. This limit applies whether the lottery is promoted on a weekly or other periodical basis.

Making the Application

An application for a Lottery Permit must be made to a Garda Superintendent for the district where the person promoting the lottery ordinarily resides. The application must be:

- (i) made on the form specified by the Minister,
- (ii) accompanied by the prescribed fee, if any, and:
- (iii) made to the Garda Superintendent of the district concerned **not less than 60 days before** the first day on which it is intended to promote the lottery to which the application relates.

A decision on whether to grant or refuse the Permit application will be made by the Superintendent within **28 days from receipt** of the application.

Payment

The Minister for Justice may prescribe an application fee for a Lottery Permit.

However, the Minister does not intend to prescribe a fee for at least the first year of operation of the new Permit process.

Considering the Application

The application for a Lottery Permit will be considered by the relevant Garda Superintendent, with reference to the following criteria:

- **The character of the applicant,¹**
- **The number of periodical lotteries already in operation in the locality.**
- **The suitability of the premises or place proposed to be used.**

¹ Or, in the case of a body corporate, of the persons exercising control and management thereof.

Further Information

In the course of considering the application, the Superintendent may seek further information from the applicant such as:

- nature, history and standing of the club/organisation/cause (where the permit is sought for a charitable or philanthropic purpose);
- character of the applicant;
- ready availability of the proposed prizes²;
- possible use of an agent.

The above list is not exhaustive.

If the applicant for a Lottery Permit fails to comply with the request for information, or does not respond to such a request within the 28-day consideration period, the Superintendent will proceed to make a decision on the application.

Conditions of Permit

If an application for a Lottery Permit is successful, the Permit is issued subject to the following conditions:

- The period of validity of the Permit, which may not exceed a period of 12 months
- A maximum ticket price of €10
- A maximum total weekly prize fund of €5,000
- The value of each prize, the conditions of the lottery, and the name of the intended beneficiary shall be stated on each ticket or coupon, or displayed prominently at any premises where the lottery takes place
- The Permit shall not be transferred to another person (any such purported transfer would be void and have no effect)

² E.g. are the prizes available or are they dependent on, e.g. ticket sales, donation, crowdfunding, etc.

- No stake shall be accepted from a person aged under 18 years
- Where the lottery is promoted for a charitable or philanthropic purpose, a maximum 5% of the proceeds may be retained by the permit holder to cover any expenses incurred
- No stake shall be hazarded by the players with the holder of the Permit other than a charge for the right to take part in the game

[The type of lottery authorised to be promoted will be noted on the Permit]

Register of Lottery Permits

Every Superintendent of the Garda Síochána shall keep a register of all Lottery Permits issued under section 27B and any such Permit revoked or suspended under new section 46 of the Act.

Every register must be open for inspection at all reasonable times by members of the public.

Appealing a Refusal

An applicant to whom a Lottery Permit has been refused by a Superintendent under section 27B, 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.

Sanctions/Penalties

A Lottery Permit holder must comply with the conditions of the Permit. A person who does not comply with these conditions may be guilty of an offence, which may result in a prosecution and on conviction in a fine and/or term of imprisonment under the revised provisions of section 44 of the Gaming and Lotteries Act.

Where a person who is the holder of a Lottery Permit is convicted of an offence, the Garda Superintendent within whose district the place to which the Permit relates is situated, may apply to the District Court for an order to suspend or revoke the Permit under the provisions of new section 46 of the 2019 Act.

Q&A

Where do I apply for a Lottery Permit?

An application for a Lottery Permit must be made to the Garda Superintendent of the district where the person promoting the lottery ordinarily resides, using the specified Application Form.

It is important that promoters be aware that the application must be made to the Superintendent not less than 60 days before the first day on which the lottery is to start, i.e. tickets are to be sold.

This period allows the Superintendent to consider the application and to seek and receive further information if such is necessary.

A decision on whether to grant or refuse the application by the Superintendent must issue within a period of 28 days from the date of application.

Can I apply for a Lottery Permit online?

There is no current provision in the legislation for online submission of an application for a Lottery Permit.

However, the Application Form for a Lottery Permit is available on both the websites of An Garda Síochána and the Department of Justice for download. The Form, when completed, must be submitted by post or in person to the Garda Superintendent of the district where the person promoting the lottery ordinarily resides.

Is there a fee for a Lottery Permit?

The Minister for Justice does not propose to prescribe an application fee for a Lottery Permit for at least the first year of operation of the new Lottery Permit process.

I intend to run a lottery, but the prize amount is far less than €5,000 – do I still need a Permit?

If you intend to promote a lottery for charitable or philanthropic purposes or for the promoter's benefit with a prize amount over €1,000 and up to €5,000, you must apply for a Lottery Permit.

Our club wants to run a draw at our annual dinner dance, fundraising event, etc. – do we need a Permit?

You do not need a permit for a raffle or draw at a sports club event, or for, say, running a Christmas raffle for charity, etc.

Section 9 of the 2019 Gaming and Lotteries (Amendment) Act inserts a new section 26 into the original 1956 Act to allow for the promotion of a small scale lottery which does not require a Permit or Licence.

The following conditions would apply:

- the lottery must be held for charitable or philanthropic purposes only.
- the total prize amount is no more than €1,000;

- the maximum ticket price is €5;
- no more than 1,500 tickets are sold;
- the promotor of the lottery has not conducted a similar “no Permit” lottery within the previous three months.

Can I run a “no-Permit” lottery separately to other lotteries carried out under an existing Lottery Permit or Licence?

Yes. The running of a “no Permit” lottery does not impact on any other lottery promoted by the same club, cause or promoter under a separate Permit or Licence, provided the conditions attaching to the “no-Permit” lottery are observed.

I intend to run a lottery, but the prize amount will be above €5,000 – can I still get a Lottery Permit?

No. A lottery with a total weekly prize amount of between €5,000 and €30,000 can only be run under a Lottery Licence issued by the District Court. A once off lottery with a maximum prize value of €360,000 can be promoted under a Lottery Licence.

I want to run a lottery with a car/house, etc. as a prize – will a Permit suffice for this?

Irrespective of the nature of the prize offered, if the value of the prize is less than €5,000, a Lottery Permit will suffice whether the lottery is promoted for charitable, philanthropic purposes or for the benefit of the promotor.

Running a lottery with a prize of over €5,000 requires a Lottery Licence and may be only for charitable or philanthropic purposes only (see above).

Can I use an agent to run my lottery under a Permit?

The Permit holder may engage an agent to promote the lottery. The proposed use of an agent should be noted in the application to the Superintendent. The conditions attaching to the Permit must be observed by the agent and the Permit holder is responsible for ensuring such observance.

Am I allowed to promote an online lottery with a Permit?

There is no specific provision in the Gaming and Lotteries Acts prohibiting the conduct of a lottery partly or entirely in an online setting. Many community organisations and sports clubs now sell tickets online.

However, the Garda Superintendent to whom the application is made, may well seek further information from the applicant in relation to the proposed conduct of the lottery, the premises where the lottery is promoted from, the availability of prizes, etc.

In any event, the promotion of the lottery must comply with all of the conditions set out in section 27B.

I am no longer in a position to run the lottery permitted under the Permit, but another person wishes to take it over – can I transfer the Permit to them for the remaining period of validity?

The Gaming and Lotteries Act does not permit the transfer of a Lottery Permit from one person to another. Should a purported transfer take place, the lottery in question would become unlawful and subject to sanction.

However, where the Permit had been issued to a person in their capacity **as an officer of a club or organisation or for a charitable cause**, and that person is no longer capable of promoting the

lottery or no longer holds that position for whatever reason, the Permit may continue in validity for the club/organisation/cause for the completion of the lottery or the duration of its validity.

Can I combine my Permit with that of another Permit holder, in order to double the prize amount on offer?

No combining of Permits is allowed. Each Lottery Permit must abide by its own conditions.

Is there a minimum/maximum time period for conclusion of the Lottery?

The lottery must be concluded within the period of validity stipulated in the Permit, which has a maximum period of validity of 12 months.

I want to run a lottery to help promote my product, do I need to apply for a Lottery Permit?

The 2019 Gaming and Lotteries (Amendment) Act inserts a new [section 27A](#) into the Principal Act to provide that a lottery that does not require a Permit or Licence or the purposes of marketing or selling a particular product. The following conditions would apply:

- the total value of the prizes is not more than €2,500;
- there is no charge for taking part in the lottery, other than the cost of purchasing the product if such is required, and:
- no additional charge is required for the redemption of a prize, e.g. a communications charge greater than a standard call.