

Applying for a Lottery Licence

Under Section 28 of the Gaming and Lotteries Acts 1956-2019

Information Leaflet for Applicants



An Roinn Dlí agus Cirt
Department of Justice

Applying for a Lottery Licence

Under Section 28 of the Gaming and Lotteries Acts 1956-2019

Lottery Licences

Section 12 of the 2019 Gaming and Lotteries (Amendment) Act amends [section 28](#) – Lottery Licences – of the Principal Act, to provide for the promotion of lotteries up to a maximum weekly prize value of €30,000, under a Licence granted by the District Court. An annual or ‘one off’ lottery with a maximum prize value of €360,000 may also be promoted under this type of licence.

A Lottery Licence may only be issued for a charitable or philanthropic purpose only. It cannot be granted for the personal benefit of a promoter.

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 Licence are usually conducted on a physical or land based basis in terms of ticket sales and advertising.

However, there is no reference to, or prohibition, in the Act on the promotion of part or all the lottery online, subject to adherence to the conditions in section 28.

How to Apply

Applications for Lottery Licences should be made to the District Court of the district in which it is proposed to promote the lottery, authorising the person to conduct periodical lotteries in accordance with the provisions of the Act.

The application should be made not less than 60 days before the first day on which it is intended to promote the lottery.

Matters relating to the issuance of lottery licences by the District Court are set out in revised Order 66 of the Rules of the District Court [[hyperlink](#)], [[footnote reference to SI 1000/2020](#)] District Court (Gaming and Lotteries) Rules 2020

Consideration of Application

A District Court Judge will take the following into account, when considering an application for a Lottery Licence:

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

At the hearing of an application for a lottery licence, the Superintendent for the Garda Síochána for the district in which the lottery is to be held and any other person who appears to the District Court to be interested, may appear and give evidence in relation to the application.

There is no time period prescribed for the District Court to either grant or refuse the application.

The period of validity must be specified on the Licence and may not exceed 12 months.

Fee for Lottery Licence

A fee of €150 is payable to the District Court, for the purposes of stamping the application for a Lottery Licence¹.

Conditions of Licence

Lottery for a charitable or philanthropic purpose only

¹ S.I. 22/2014 District Court (Fees) Order

A Lottery Licence only allows for lotteries promoted for the benefit of a charitable or philanthropic purpose and not for the benefit of a promoter.

Statement of Prize Value and Beneficiary

The value of each prize and the name of the intended beneficiary of the lottery must be stated on every ticket or coupon or, where the lottery is conducted in a premises, this information must be prominently displayed at the normal means of access to the premises where the lottery takes place.

Allocation of Lottery Proceeds

The proceeds of the lottery must be divided as follows:

- no more than **25%** of the total proceeds may be used for the purposes of defraying expenses, including administrative costs, promotional costs and commission
- no more than **75%** of the total proceeds may be allocated to prizes
- *at least* **25%** of the total proceeds **must** be allocated to a charitable or philanthropic cause.

Non-transferability of Licence

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.

No stake to be accepted from persons under 18 years

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

Register of Lottery Licences

Every clerk of the District Court shall keep a register of all Lottery Licences issued under section 28, and any such Licences 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 Licence has been refused, or has been granted only for a certain period of validity, by the District Court under section 28, may appeal the refusal or restriction to the Circuit Court under section 32 of the Gaming and Lotteries Act.

Section 32 also provides that any person who had opposed the application for the Licence at the District Court hearing (or the part of the order specifying the duration of the Licence), may also bring an appeal to the Circuit Court.

Sanctions/Penalties

A Lottery Licence 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 Licence is convicted of an offence, the Garda Superintendent within whose district the place to which the Licence relates is situated, may apply to the District Court for an order to suspend or revoke the Licence under the provisions of new [section 46](#) of the Gaming and Lotteries Act.

Q&A

Where do I apply for a Lottery Licence?

An application for a Lottery Licence must be made to the District Court of the district where it is proposed to promote the lottery. It is important that promoters note that the application must be made not less than 60 days before the first day on which the lottery is to start, i.e. when tickets are to be sold.

Can I apply for a Lottery Licence online?

There is no provision for online submission to the District Court of an application for a Lottery Licence.

The Application Form for a Lottery Licence is set out in S.I. No. ???/2020 District Court (Gaming and Lotteries) Rules 2020 which contains the relevant revised Order 66.3 of the Rules of the District Court. The Rules are available on both the websites of the Courts Service and the Department of Justice.

The Application Form, when completed, must be submitted to the Clerk of the District Court of the district where the person promoting the lottery ordinarily resides. The application should also be copied to the Garda Superintendent of the district where the person ordinarily resides.

Is there a fee for a Lottery Licence?

The current fee payable on application to a District Court for a Lottery Licence is €150.

Can I promote a lottery for personal benefit, using a Lottery Licence?

A Lottery Licence cannot be applied be issued for the personal benefit of the promoter, it may be issued for charitable or philanthropic purposes only.

(A Lottery Permit allows for the promotion of a lottery for personal benefit, up to a prize value of €5,000).

Can I use an agent when applying for a Lottery Licence?

The application for a Licence must be made on behalf of the intended beneficiary.

The intended use of an agent and details of the agent should be noted on the application to the District Court.

If I use an agent to promote the lottery, how much can they be paid?

Not more than 25 per cent of the total proceeds of the lottery can be used for the expenses of its promotion. This includes agent's fees, commission, and any free entry for the lottery (which is deemed to be a payment of commission).

Am I allowed to promote our online lottery with a Licence?

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 sell tickets online.

However, the District Court to which 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 28.

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

The nature of the prize to be offered in the lottery is a matter for the promoter. Irrespective of the nature of the prize offered, the value of the prize must not exceed €30,000 per week, or €360,000 as an annual or one-off lottery.

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

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

Can I offer small or spot prizes in my lottery outside of the money prizes?

The promoter of the lottery is free to offer supplementary prizes in addition to the monetary prizes on offer, which are limited to a weekly maximum of €30,000.

Many lotteries may offer such prizes, e.g. at Christmas.

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

No you do not need a Licence (or Permit) for a 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 lottery which does not require a Permit or Licence. Such a lottery must be held for charitable or philanthropic purposes only. The following conditions would apply:

- 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 lottery separate to any other activities carried out under an existing Licence?

The running of a “no Licence” lottery does not impact on any other lottery promoted by the same club, cause or promoter under a separate Permit or Licence, provided the ticket and prize amounts are below the thresholds of €5 and €1,000 respectively, and the maximum tickets sold do not exceed 1,500, no other Permit is needed.

I intend to run a lottery, but the prize amount will be above €5,000 but below €30,000 – do I still need a Licence?

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 also be promoted under a Lottery Licence.

A Lottery Licence entitles the holder to promote a lottery for the benefit of a charitable or philanthropic cause only and not for personal benefit.

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

The Gaming and Lotteries Act does not permit the transfer of a Lottery Licence 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 Licence 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 Licence 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 Licence with that of another Licence holder, in order to double the prize amount on offer?

No combining of Licences is allowed. Each Lottery Licence 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 Licence, 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 Licence?

The 2019 Gaming and Lotteries (Amendment) Act inserts a new section 27A into the original 1956 Act to provide that a lottery that does not require a 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.