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# IRELAND

## I. INTRODUCTION

### 1. General approach to gambling

Although casinos are not authorized in Ireland, betting and games of chance hold an important place in the culture of this nation and have been specifically authorized for decades. The country has a long-standing tradition of horse and dog racing, as well as betting on the results of these events. The National Lottery Act, 1986 provides for a monopolistic national lottery, but other forms of lotteries existed long before. The law even provides for the issuance of government securities called prize bonds - which entitle the holder to participate in regular drawings for prizes in lieu of interest.

### 2. Definitions

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

#### ***Lottery***

##### **Gaming and Lotteries Act 1956:**

"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;

##### **National Lottery Act 1986:**

§1 lottery game means any game, competition or other procedure in which or whereby prizes (whether money prizes or otherwise) are distributed by lot or chance among persons participating in the game, competition or other procedure.

##### **National Lottery Act 1986:**

the National Lottery means any lottery game or combination of lottery games held by the Minister or held under a licence in accordance with the rules contained in a scheme under section 28 (1) of this Act in relation to that game or each of those games.

#### ***Casino Gaming***

Casinos not being authorized, there is no definition of this term

#### ***Machine Gambling Outside Casinos***

Our research has revealed no such definition

#### ***Subsidiary Definitions***

##### **Totalisator**

##### **Betting Act 1926**

§1. the word "totalisator" means an apparatus or organisation by means of which an unlimited number of persons can each stake money in respect of a future event on the terms that the amount to be won by the successful stakers is dependent on or to be calculated with reference to the total amount staked by means of the apparatus or

organisation in relation to that event but not necessarily on the same contingency, and the said word includes all offices, tickets, recorders, and other things ancillary or incidental to the working of the apparatus or organisation, the word "bet" includes wager, and cognate words shall be construed accordingly;

**Totalisator Act 1929**

the word "totalisator" it means an apparatus or organisation by means of which an unlimited number of persons can each stake money in respect of a future event on the terms that the amount to be won by the successful stakers is dependent on or to be calculated with reference to the total amount staked by means of the apparatus or organisation in relation to that event but not necessarily on the same contingency, and the said word includes all offices, tickets, recorders, and other things ancillary or incidental to the working of the apparatus or organisation.

***Betting***

Our research has revealed no such definition

***Bingo***

See Lottery *supra*.

***Media Gambling Services***

Our research has revealed no such definition

***Sales Promotional Gambling***

The case law reveals that some of these schemes fall under the definition of lottery but our research has revealed no definition of this (or a similar) term.

***Charity Gambling***

Our research has revealed no such definition

But see definition of Charitable Lottery :

- (a) it shall be for some charitable or philanthropic purpose or purposes;
- (b) the licensee shall derive no personal profit from it;
- (c) the total value of the prizes on any occasion shall be not more than five hundred pounds, and, if more than one lottery is held in any week, the total value of the prizes for the week shall be not more than five hundred pounds;
- (d) the value of each prize shall be stated on every ticket or coupon;
- (e) not more than forty per cent. of the gross proceeds shall be 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.

### 3. Taxes

Betting services are not subject to VAT, bookmakers do not need to register nor can they claim VAT paid.

The applicable rate of tax for betting has now been reduced to 2% of turnover on away events and off-course betting. The on-course tax rate is 0%. Bookmakers are permitted to absorb and pay the betting tax rather than charge it to the customer.

A bookmaker pays an annual licence fee of 250.

An annual Standing Charge of 500 plus 0.5% of the betting turnover is payable to Horse Racing Ireland. Bookmakers pay a pitch fee to individual racecourses or greyhound tracks based on the price charged to the general public for admission.

Excise duty on registration or renewal of registration of bookmaking premises is 380. Reinstatement of a licence after de-registration is subject to a fee of 2000.

Gaming licence fees are 175 for a three month licence and 630 for an annual licence.

Gaming machine licence fees are 145 for up to three months and 505 for an annual licence.

Minister for Finance, Mr. Brian Cowen TD, has recently established a working group to examine betting taxes and, in particular, to consider an overhaul of the current system of betting taxation. As part of its work, the Betting Tax Group has sought the input of members of the industry and other interested parties on this matter. The deadline for such submissions was 5pm, Thursday, July 28, 2005.<sup>439</sup> We might, therefore, expect to see some concrete government response concerning this question in the near future.

Our research revealed no information concerning taxation of media games.

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<sup>439</sup> <http://www.finance.gov.ie/viewdoc.asp?DocID=3167>

**II. LISTING****A) LEGISLATION ENACTED****a) Federal****1. General**

See specific entries, *infra*.

**2. Lotteries**

Gaming and Lotteries Act, 1956

S.I. No. 18/1956: Gaming and Lotteries Act, 1956 (Commencement) Order, 1956

S.I. No. 9/1962: District Court (Gaming and Lotteries Act, 1956) Rules, 1962

Gaming and Lotteries Act, 1970

Gaming and Lotteries Act, 1979

S.I. No. 1/1985: District Court (Gaming and Lotteries) Rules, 1984.

National Lottery Act 1986

Lottery Prizes Regulations 1987

Betting, Gaming and Lotteries: The Lotteries (Gaming Board Fees) Order 2002 N° 639

Betting, Gaming and Lotteries: The Lotteries (Gaming Board Fees) Order 2004 N° 532

**3. Casino Gaming**

Casinos are not authorised in Ireland

**4. Machine Gambling Outside Casinos**

No relevant legislation

**5. Betting**

Betting Act 1931

Betting, Gaming and Lotteries: The Horserace Betting and Olympic Lottery Act 2004 (Commencement N° 1) Order 2004 N° 3283 (C. 149)

The Greyhound Industry Act (1958 N° 12)

Greyhound Industry Act, 1958 (Appointed Day for Purposes of Chapter I of Part V) Order 1958

Greyhound Industry Act, 1958 (Commencement of Section 26) Order 1958

Greyhound Industry Act, 1958 (Commencement of Sections 32, 33, 34 and 35) Order 1958

Greyhound Industry Act, 1958 (Establishment Day) Order 1958

Greyhound Industry (Amendment) Act, 1993

Greyhound Race Track (Admission Charges) Regulations 1964

Greyhound Race Track (Admission Charges) Regulations 1967

Greyhound Race Track (Admission Charges) Regulations 1970

Greyhound Race Track (Admission Charges) Regulations 1974

Greyhound Race Track (Admission Charges) Regulations 1975

Greyhound Race Track (Admission Charges) Regulations 1977

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Greyhound Race Track (Admission Charges) (Amendment) Regulations 1977  
Greyhound Race Track (Admission Charges) Regulations 1979  
Greyhound Race Track (Admission Charges) Regulations 1980  
Greyhound Race Track (Admission Charges) (Amendment) Regulations 1980  
Greyhound Race Track (Admission Charges) (Revocation) Regulations 1982  
Greyhound Race Track (Bookmakers Admission Charges) Regulations 1981  
Greyhound Race Track (Bookmakers Admission Charges) Regulations 1982  
Greyhound Race Track (Bookmakers Admission Charges) (Revocation) Regulations, 1984  
Greyhound Race Track (Levy Collection) Regulations 1958  
Greyhound Race Track (Levy Collection) (Amendment) Regulations 1964  
Greyhound Race Track (Levy) (Percentage) Regulations 1964  
Greyhound Race Track (Levy Collection) Regulations 1968  
Greyhound Race Track (Levy Collection) (Amendment) Regulations 1971  
Greyhound Race Track (Levy Collection) (Percentage) Regulations 1977  
Greyhound Race Track (Levy Collection) (Percentage) Regulations 1980  
Greyhound Race Track (Levy Collection) (Percentage) Regulations 1985  
Greyhound Race Track (Levy Collection) (Percentage) (Amendment) Regulations 1990  
Greyhound Race Track (Permits for Persons Performing Specified Functions) Regulations 1970  
Greyhound Race Track (Race Card Charges) Regulations 1972  
Greyhound Race Track (Race Card Charges) Regulations 1977  
Greyhound Race Track (Race Card Charges) Regulations 1980  
Greyhound Race Track (Race Card Charges)(Amendment) Regulations 1980  
Greyhound Race Track (Race Card Charges) (Revocation) Regulations 1982  
Greyhound Race Track (Racing) (Amendment) Regulations 1963  
Greyhound Race Track (Racing) (Amendment) Regulations 1965  
Greyhound Race Track (Racing) (Amendment) Regulations 1968  
Greyhound Race Track (Racing) (Amendment) Regulations 1977  
Greyhound Race Track (Racing) (Amendment) Regulations 1980  
Greyhound Race Track (Racing) (Amendment) Regulations 1982  
Greyhound Race Track (Racing) (Amendment) Regulations 1989  
Greyhound Race Track (Racing) (Amendment) (No. 2) Regulations (Amendment) 1989  
Greyhound Race Track (Racing) (Amendment) Regulations, 1993  
Greyhound Race Track (Racing) (Amendment) Regulations 1996  
Greyhound Race Track (Racing) (Amendment) Regulations S.I. No. 39/2001  
Greyhound Race Track (Racing) (Amendment) Regulations 1960  
Greyhound Race Track (Racing) (Amendment) Regulations 1967  
Greyhound Race Track (Racing) Regulations S.I. No. 158/1993  
Greyhound Race Track (Racing) (Special Exemption) Regulations 1963  
Greyhound Race Track (Racing) (Amendment) Regulations 2002  
Greyhound Race Track (Totalisator) (Operating) Amendment Regulations S.I. No. 3/2001  
Greyhound Race Track (Totalisator) (Operating) Amendment Regulations 1963  
Greyhound Race Track (Totalisator) (Operating) Amendment Regulations, S.I. No. 47/1971.  
Greyhound Race Track (Totalisator) (Operating) Amendment Regulations, S.I. No. 227/1984.  
Greyhound Race Track (Totalisator) (Operating) Amendment Regulations S.I. No. 8/1991.  
Greyhound Race Track (Totalisator) (Operating) Amendment Regulations, S.I. No. 330/1996.  
Greyhound Race Track (Totalisator) (Operating) Amendment Regulations S.I. No. 3/2001.

Greyhound Race Track (Totalisator) (Operating) Amendment Regulations S.I. No. 425/2001.  
Greyhound Race Track (Totalisator) (Operating) Amendement Regulations S.I. No. 155/2002.  
Greyhound Race Track (Totalisator) (Percentage) Regulations 1960  
Greyhound Race Track (Totalisator) (Percentage) Regulations 1964  
Greyhound Race Track (Totalisator) (Percentage) Regulations 1971  
Greyhound Race Track (Totalisator) (Percentage) Regulations S.I. No. 90/1977.  
Greyhound Race Track (Totalisator) (Percentage) Regulations, S.I. No. 192/1983.  
Greyhound Race Track (Totalisator) (Percentage) Regulations, S.I. No. 24/1984.  
Greyhound Race Track (Totalisator) (Percentage) Regulations, S.I. No. 188/1991.  
Greyhound Race Track (Totalisator) (Percentage) Regulations 1991  
Greyhound Race Track (Totalisator) (Quinella Treble Forecast) Regulations 1964  
Greyhound Race Track (Totalisator) (Percentage) Regulations 1960  
Greyhound Race Track (Totalisator) (Percentage) Regulations 1969  
S.I. No. 135/1982: Greyhound Race Track (Totalisator) (Trio) Regulations, 1982  
S.I. No. 139/1997: Greyhound Race Track (Totalisator) Super (Dual) Trio Jackpot Regulations 1997  
S.I. No. 111/1996: Greyhound Race Track (Totalisator) (Super) (Trio) Jackpot Regulations 1996.  
Greyhound Race Track (Totalisator) (Super) (Trio) Jackpot Regulations 1996  
S.I. No. 223/1997: Greyhound Race Track (Totalisator) (Super) (Trio) Jackpot Amendment Regulations, 1997  
Greyhound Race Track (Totalisator)(Superfecta) Regulations, S.I. No. 663/2003.  
Greyhound Trainers' (Amendment) Regulations 1969  
Greyhound Trainers' (Amendment) Regulations 1980  
Greyhound Trainers' (Amendment) Regulations 1989  
Greyhound Trainers' Regulations S.I. No. 58/1961.  
Horse and Greyhound Racing Act, 2001 Number 20 of 2001  
Horse & Greyhound Racing (Betting Charges & Levies) Act (1999 N° 24)  
Horse & Greyhound Racing (Betting Charges & Levies) Act, 1999 (Commencement) Order, S.I. No. 211/1999.  
S.I. No. 185/2002: Horse and Greyhound Racing Act 2001 (Section 8) (Commencement) Order 2002  
Horseracing (On-Course Betting Office) Regulations 1995  
Irish Horseracing Industry Act 1994 (1994 N° 18)  
Public Sales of Greyhounds Regulations S.I. No. 76/1966.  
Racecourses (Payment of Levies on Course Bets) Regulations 1995  
Racecourse (Levy Collection) (Amendment) Regulations 1986  
Racecourse (Levy Collection) (Amendment) Regulations 1989  
Racecourse (Levy Collection) (Amendment) Regulations 1994  
Racecourse (Levy Collection) Regulations 1977  
Racecourse (Levy) (Percentage) Regulations 1964  
Racecourse (Levy) (Percentage) Regulations 1975  
Racecourse (Levy) (Percentage) Regulations 1980  
Racecourse (Levy) (Percentage) Regulations 1985  
Racing Board and Racecourses Act 1945 (Appointment of Transfer Date) Order 1945  
Racing Board and Racecourses Act, 1945 (Appointment of Establishment Date) Order 1945  
Racing Board and Racecourses Act, 1945 (Commencement of Chapters II and III of Part III) Order 1945  
Racing Board and Racecourses (Amendment) Act (Commencement of Sections 4 and 5) Order 1975  
Racing Board and Racecourses (Transfer of Departmental Administration and Ministerial Functions) Order 1980

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Reduction in the rate of Betting Duty and Consolidation & Modernisation of Betting Duty Law

Totalisator (Amendment) Regulations 1938

Totalisator (Horse Racing) (Amendment) Regulations 1981.

Totalisator Act, (1929, N° 22)

Totalisator Act., 1929 Totalisator Licence S.I. No. 250/1989.

Totalisator Act., 1929 Totalisator Licence S.I. No. 25/1993.

Totalisator Act., 1929 Totalisator Licence S.I. No. 21/1994.

Totalisator Act., 1929 Totalisator Licence S.I. No. 411/1998.

Totalisator (Amendment) Regulations 1956

Totalisator (Amendment) Regulations 1967

Totalisator (Amendment) Regulations 1968

Totalisator (Double Event) Regulations 1930

Totalisator (Double Event) Regulations 1935

Totalisator (Amendment) (Greyhound Race Track) Regulations, S.I. No. 232/1989.

Totalisator (Horse Racing) Regulations, S.I. No. 93/1989.

Totalisator (Horse Racing) (Extended Forecast) Regulations S.I. No. 275/1984.

Totalisator (Multiple Event) (Amendment) Regulations 1966

Totalisator (Multiple Event) Regulations 1966

Totalisator Regulations 1944

## 6. Bingo

Betting, Gaming and Lotteries: The Gaming (Bingo) Act (Fees)(Amendment) Order 2002 N° 640

Regulations entitled Betting Duty Regulations 2002, S.I. N° 174 of 2002

## 7. Media Gambling Services

No relevant legislation found.

## 8. Sales Promotional Gambling

Finance (Miscellaneous Provisions) Act, 1956 §22.

Prize Bonds Regulations, S.I. No. 337/1993.

Prize Bonds (Amendment) Regulations, S.I. No. 431/1997

## 9. Charity Gambling

Gaming and Lotteries Acts, 1956-79 [see lotteries]

## b) Provincial

We had no access to provincial legislation.

**B) DRAFT LEGISLATION****a) Federal****1. General**

In 2000, an Interdepartmental Committee was established to examine the issue of gambling in Ireland. A proposal was made to create a Gaming Regulator to oversee registration and gambling, charitable lotteries and commercial sales promotions, however, to date, no draft legislation on this subject has as yet been proposed.<sup>440</sup>

**2.-4.** No relevant draft legislation.

**5. Betting**

Totalisator (Amendment) Bill 2005. (At present, children are not permitted to place a bet with a bookmaker, nor are they permitted to buy a lottery ticket, however, they are permitted to place a bet with the Tote on a race course. This bill would close that loophole and subject violators of the age limit to fines of up to 3000.)

**6.-9.** No relevant draft legislation.

**b) Provincial**

We had no access to provincial legislation.

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<sup>440</sup> [http://www.algoodbody.ie/leisure/newsletterold/section1\\_nov2003.asp?2](http://www.algoodbody.ie/leisure/newsletterold/section1_nov2003.asp?2), last visited June 6, 2005.

**C) SELF-REGULATION**

Our research revealed no relevant material.

**D) JURISPRUDENCE****a) Federal**

1.-5. Our research revealed no relevant material.

**6. Bingo**

Bingo has been deemed to be a form of lottery since the Supreme Court case of Bolger v. Doherty [1970] IR 233 at 235, 1965.

**7. Media Gambling Services**

Our research revealed no relevant material.

**8. Sales Promotional Gambling**

The Attorney General (at the Prosecution of Superintendent M Enright) v. Best s Stores Limited (HC) [1970] IR 225 (1968 N° 15 SS)

Bolgar v. Doherty (1963 No 111 SS) (SC), Supreme Court, [1970] IR 233

The Attorney General (at the Prosecution of Superintendent B M McGrath) v. John Healy [1972] IR 393 (1971 N° 244 SS).

Seamus Flynn v. Michael Denieffe, Independent Newspapers plc and Eason and Son Ltd (HC) [1989] IR 722, [1990] ILRM 391 (1989 N° 530 SS)

**9. Charity Gambling**

Our research revealed no relevant material.

**b) Provincial**

We had no access to provincial jurisprudence.

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### III. BARRIERS

#### a) Panorama

##### 1. General

Our research has revealed that, some time between 1994 and 1999, the European Commission took action against Ireland on the grounds that certain sections of the Gaming and Lotteries Act 1956 were incompatible with articles 59 and 66. The Commission issued a reasoned opinion under Art. 169<sup>441</sup> to which Ireland responded. A Freedom of Information Act suit was filed to obtain copies of Ireland's response<sup>442</sup> which apparently granted the petitioner access to the information requested on public interest grounds. We have not yet succeeded in obtaining copies of either the Commission's reasoned opinion or the Irish government's response.

##### 2. Lotteries

In Ireland, **lotteries are generally prohibited except where specifically authorised**. A **monopolistic national lottery** as well as certain types of lesser lotteries is so authorised.

Under the Gaming & Lotteries Act, 1956, four kinds of lotteries are permitted:

- private lotteries organised by societies and clubs for their members
- occasional lotteries held under permits granted by An Garda Síochána (the Irish Police)
- periodical lotteries held under District Court licences (Periodical Lotteries Regulation, 1961 and
- lotteries held at certain functions

The National Lottery Act, 1986 provides for a national lottery to be held by, or on behalf of, the Minister for Finance and, in its Section 32, specifically exempts this lottery from the provisions of the Gaming & Lotteries Acts 1956 to 1979. It is the Minister of Finance who authorises a person, and grants such person a licence, to operate the national lottery. The Minister of Finance also determines the duration, terms and conditions of such licence and may revoke the licence for reasons that appear to him to be sufficient. The first such licence was granted to An Post, Ireland's national postal service, which created An Post National Lottery Company to operate the lottery.

The National Lottery is regulated by the Department of Finance which has oversight powers. Only authorised outlets may sell lottery tickets, pursuant to a contract with the National Lottery Company, and the total number of such outlets is determined by the operators of the National Lottery.

The operator of the National Lottery also determines the form and value of prizes to be distributed. **Net proceeds of the National Lottery are applied to sport and other recreation, national culture** (including the Irish language) the arts, community health and other purposes that the government may determine from time to time.

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<sup>441</sup> Infringement 1994/4719.

<sup>442</sup> Case 000257 - *Mr X and the Department of Justice, Equality and Law Reform*.

### 3. Casino Gaming

Casinos are not authorised under Irish Law.

### 4. Machine Gambling Outside Casinos

Under section III of the Gaming & Lotteries Act, 1956, as amended, in 1970 and 1979, no person shall promote or assist in promoting or provide facilities for any kind of gaming (defined as playing a game, whether of skill or chance or a combination of the two, for stakes placed by players):

in which, by reason of the nature of the game, the chances of all the players, including the banker, are not equal, or  
in which any portion of the stakes is retained by a promoter or is retained by the banker except as winnings on the result of the play, or  
by means of any slot machines

except pursuant to a valid licence.

Gaming in arcades, amusement halls, carnivals and funfairs is permitted only on premises licensed by the Revenue Commissioners for this purpose in accordance with conditions laid down in the Gaming and Lotteries Acts. A certificate of fitness is required from the District Court in order to apply to the Revenue Commissioners for the licence.

### 5. Betting

#### *Horse Racing*

Horse Racing Ireland, a commercial semi-state body, is responsible for directing and promoting all aspects of racing in Ireland including directing, funding and promoting the thoroughbred horse, the operation of the Registry Office, the Tote and its racecourse division, representation of Irish horseracing internationally and the negotiation of income from the media and broadcasting rights. Horse Racing Ireland was established under the Horse and Greyhound Racing Act, 2001 and takes over the functions carried out previously by the Irish Horseracing Authority (IHA) since 1994. The IHA, in turn, replaced the Racing Board that was established in 1945. It is funded by a direct grant from the Government, profits from the Tote and funding from on-course and off-course bookmakers.

Racecourse bookmakers must be in possession of a Bookmaker's Licence from the State and a Permit from Horse Racing Ireland. Obtaining a licence requires obtaining a Tax Clearance from the Revenue Commission and a Certificate of Personal Fitness from the Garda (national police). Persons not residing in the Republic of Ireland may obtain such a certificate from the Department of Justice however an application for such a certificate requires endorsement from three persons resident in the State. Applications for a Permit require monthly statements from a bank, building society or financial institution for the two years immediately prior to the application as well as a personal interview by the officers of Horse Racing Ireland.

#### *Greyhound Racing*

The Irish Greyhound Board - Bord na gCon - a commercial semi-state body - is responsible for the control and development of the greyhound industry in Ireland. The Board was established under the Greyhound Industry Act (1958) which gave the Board wide powers to regulate all aspects of greyhound racing in Ireland including the licensing of the different

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tracks, the issuing of permits to officials, bookmakers, trainers and the implementation of the rules of racing. The Irish Greyhound Board has licensed a total of seventeen tracks in the republic, of which nine are owned and controlled by the Board. The remainder are owned and operated by private enterprise.

## 6. Bingo

See discussion of lotteries.

## 7. Media Gambling Services

Our research revealed no relevant material.

## 8. Sales Promotional Gambling

### *Sales Promotion Schemes, Generally*

Section 2 of the Gaming and Lotteries Act, 1956 provides that a "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.

The threshold issue here, then, is whether the sales promotion in question falls within the definition of a lottery for the purposes of that Act, in which case the licensing requirements of those Acts will apply thereby rendering the promotion illegal in the absence of compliance with those requirements. It would appear that any promotional scheme in which something of value is awarded in connection with a game of chance where some contribution must be made in return for obtaining a chance to participate will qualify as a lottery under the Act.

A line of cases has established some parameters in this field. The first such case, *Bolger v. Doherty*, held that the game of bingo fell within the definition of a lottery. In *Attorney General v. Best's Stores* a promotional scheme pursuant to which clients having purchased at least £1 worth of merchandise could put their receipts into a box and be eligible to win a turkey if their receipt were drawn out was deemed to be a lottery, subject to the licensing requirements. An attempt to remove this type of promotional scheme from the definition of lottery by adding an element of skill was unsuccessful. The defendant in *Attorney General v. Healy* imposed on the participant selected the requirement of answering a specific question in order to qualify for the prize. The High Court held that the opportunity of winning a money prize by answering the question was something of value which was awarded through a game of chance.

One court has even gone so far as to hold that if the overwhelming majority of persons interesting themselves in the scheme would have made a purchase and the purpose of the scheme was to encourage such purchases, the scheme will be deemed to be a lottery even in the absence of a purchase requirement.

### *Prize Bonds*

Irish law authorizes the Minister of Finance to issue non-interest-bearing securities, called Prize Bonds which entitle the holder to participate in periodic random drawings for prizes. Prize Bonds are exempt from the provisions of the Gaming and Lotteries Acts and from stamp duty.

**9. Charity Gambling**

Charitable lotteries are permitted but must be licensed. An applicant for such a licence must give 28 days notice to the Superintendent of the Irish police for the district in which the lottery is to be organised, which notice must include the kind of lottery, the purpose of the lottery, the amount or proportion of the proceeds intended to be devoted to the remuneration of agents ticket-sellers and other persons employed as well as the value of prizes. The licence is granted by the District Court who may consider the character of the applicant.

b) Table

A) LEGISLATION ENACTED

Applicable Laws and specifically relevant provisions	Barriers to the Free Movement of Gambling Services	Justifications for Continuation of Barriers <sup>443</sup>
<p>Gaming and Lotteries Act 1956 as amended by Gaming and Lotteries Act 1979 §1:                      4.—                      (1) No person shall promote or assist in promoting or provide facilities for any kind of gaming—                      (a) in which by reason of the nature of the game, the chances of all the players, including the banker, are not equal, or                      (b) in which any portion of the stakes is retained by the promoter or is retained by the banker otherwise than as winnings on the result of the play, or                      (c) by means of any slot-machine.</p>	<p>1. Games in which any player, including the bank, has an unequal chance are prohibited                      2. Slot machines prohibited</p>	<p>General prohibition of gaming except where specifically permitted</p>
<p>Gaming and Lotteries Act 1956                      21.—                      (1) No person shall promote or assist in promoting a lottery.                      (2) No person shall import, print, publish or distribute or sell, offer or expose for sale, invite an offer to buy or have in his possession for sale or distribution any ticket, counterfoil or coupon for use in a lottery or</p>	<p>Only one entity, chosen by the Minister of Finance may operate National Lottery</p>	<p>General prohibition of lotteries. The original justification of this prohibition was paternalistic: to protect the poor from spending what little money they had on a chance to win a large sum.</p>

<sup>443</sup>

Irish laws generally do not include statements of the justification for adoption. As such, the justifications included in this chart are those that have appeared in commentaries, doctrine or case-law and may or may not accurately reflect the legislators' original intent.

<p>any document containing any information relating to a lottery.</p> <p>National Lottery Act 1986</p> <p>2.—</p> <p>(1) The Minister may hold or procure the holding of the National Lottery in accordance with the provisions of this Act, but the Minister shall not hold or procure (otherwise than under the licence) the holding of a lottery game at a time when a licence is in force.</p> <p>(2) The Minister shall have all such powers as may be necessary or expedient for the purposes of the holding by him of the National Lottery and the provisions of this Act shall, as respects the National Lottery if and when it is held by the Minister, apply and have effect with any necessary modifications or adaptations in relation to the National Lottery if and when it is so held and to the Minister as they' apply and have effect in relation to the National Lottery held by the Company and to the Company.</p> <p>3.—</p> <p>(1) (a ) The Minister may grant a licence to a person authorising the holding on behalf of the Minister of the National Lottery.</p> <p>(b ) Not more than one licence under this subsection shall be in force at any time.</p> <p>30.—</p> <p>(1) if the Minister revokes the licence of the Company, he may by notice in writing given to any person who holds shares in the Company, require the person to assign the shares to the Minister or another specified person before a specified date in consideration of the payment of such sum (if</p>		
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<p>any) by the Minister or other specified person as may be agreed upon by the first-mentioned person and the Minister or, in default of agreement, determined by arbitration pursuant to the Arbitration Act, 1954.</p> <p>(2) The Minister may, at any time, if he so thinks fit, appoint a person (in this Act referred to as "a manager") to take over the management of the Company and to carry on the Company as a going concern.</p> <p>(3) (a) A manager shall have in relation to the Company all such powers as may be necessary or expedient for or incidental to his functions in relation to the Company, including the sole authority over and direction of all officers and employees of the Company.</p> <p>(b) The functions of a manager may be performed by him with the assistance of persons appointed or employed by him for that purpose.</p> <p>(c) All functions which are vested in the directors or in any committee of management of the Company (whether by virtue of the memorandum or articles of association of the Company or by law or otherwise) shall be performable only by the manager and all such powers of the Company as are exercisable by or with the sanction of a general meeting of the members of the Company shall be exercisable only by the manager.</p> <p>(d) A manager shall hold office upon such terms and conditions (including terms and conditions relating to remuneration) and for such term as may be determined by the Minister from time to time and his appointment may be terminated by the</p>		
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<p>Minister at any time.</p> <p>(e) A manager shall have all the powers that he would have, and there shall apply in relation to him all the statutory provisions that would so apply, if he were a liquidator appointed by the High Court in respect of the Company and those powers shall be exercisable by him without the control or sanction of the High Court specified in the Companies Acts, 1963 to 1985, in relation to such a liquidator.</p> <p>(f) (i) The provisions of the Companies Acts, 1963 to 1985, and any instruments made thereunder and, in particular, the provisions of those Acts and instruments relating to the liquidation of companies shall apply and have effect in relation to the powers aforesaid with any modifications specified in an order under subparagraph (ii) of this paragraph and any other necessary modifications.</p> <p>(ii) (I) Without prejudice to the generality of subparagraph (i) of this paragraph, the Minister may, for the purpose of giving full effect to the application by that subparagraph of the Companies Acts, 1963 to 1985, and any instruments thereunder, by order modify the provisions of the said Acts or any instruments made thereunder or any rules of court relating thereto in their application under and for the purposes of this section if he considers it necessary or appropriate to do so to facilitate the performance of the functions of a manager.</p> <p>(II) The Minister may by order revoke or amend an order under this subparagraph including this clause.</p> <p>(4) If a person fails or neglects to comply with a requirement of the Minister in a notice under subsection (1) of this section in relation to</p>		
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<p>shares in the Company, then the shares shall, upon the date specified in the notice under that subsection and without the necessity for a transfer, become and be vested in the Minister or the other person specified in the notice, as may be appropriate, and the sum (if any) agreed to or determined under that subsection shall be paid by the Minister or that other person, as may be appropriate, to the first-mentioned person not later than one month after the date of such agreement or determination.</p> <p>32.— The Gaming and Lotteries Acts, 1956 to 1979, shall not apply to the National Lottery.</p>		
<p>National Lottery Act, 1986</p> <p>7.—</p> <p>(1) (a) The Company may authorise such persons as it may determine to sell National Lottery tickets.</p> <p>(b) The total number of persons who may be authorised under this subsection to sell National Lottery tickets shall be determined by the Company with the consent of the Minister.</p> <p>(2) An authorisation under this section shall be in writing and shall be subject to such terms and conditions (including terms and conditions relating to the remuneration of persons by the Company in respect of the sale by them of National Lottery tickets and the time, form and method of such remuneration) as may be determined by the Company with the consent of the Minister and specified in the authorisation.</p> <p>(3) A person (other than the Company) shall not sell, offer or expose for sale or invite an offer</p>	<p>Sale of lottery tickets permitted only by persons authorised by the National Lottery Company with the consent of the Minister of Finance who may also determine the number of such authorisations to be granted</p>	<p>General prohibition on lotteries/national lottery</p>

<p>to buy or have in his possession for sale a National Lottery ticket unless he is the holder of an authorisation under this section entitling him to do so.</p> <p>(4) A person shall not sell or offer for sale a National Lottery ticket to a person under the age of eighteen years or invite from such a person an offer to buy a National Lottery ticket.</p> <p>(5) The form and price of a National Lottery ticket shall be determined by the Company.</p> <p>(6) (a) The Company shall not give, distribute or sell to any person (other than holders of authorisations under this section) National Lottery tickets free of charge or at a price less than that at which they are sold to members of the public generally.          (b) This subsection does not apply to National Lottery tickets awarded as prizes in the National Lottery.</p>		
<p>National Lottery Act, 1986</p> <p>4.—</p> <p>(1) The number, form (whether sums of money or otherwise) and value of the prizes to be distributed in the National Lottery shall, subject to subsection (2) of this section, be determined by the Company.</p> <p>(2) The total value of the prizes distributed in the National Lottery in any financial year of the Company shall, taking one year with another, be equal to not less than 40 per cent. of the total moneys received by the Company in that year in respect of the sale of National Lottery tickets in that year.</p>	<p>Minister of Finance determines form and value of prizes to be awarded through the National Lottery</p>	<p>General prohibition on lotteries/national monopoly</p>

<p>Gaming and Lotteries Act, 1956</p> <p>15.—</p> <p>(1) The District Court may grant a certificate authorising the issue of a licence permitting gaming at an amusement hall or funfair.</p> <p>(2) A certificate shall not be granted unless forms of entertainment other than gaming are also provided.</p> <p>(3) A certificate shall not be granted unless the applicant shows that he is not disqualified by section 8 from the promotion of gaming under section 6 or section 7.</p> <p>(4) 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, limiting the amount of the stakes and of prizes and prohibiting or restricting gaming by persons under specified ages.</p> <p>(5) The certificate shall specify the period in the particular year to which it relates for which the licence is to be issued.</p> <p>(6) A certificate granted under this section shall not be invalidated by the subsequent rescission of a resolution under section 13.</p> <p>17.—</p> <p>(1) In considering an application for a certificate the Court shall have regard to—</p> <p>(a) the character of the applicant or, in the case of a body corporate, of the persons exercising control and management thereof,</p> <p>(b) the number of gaming licences already in force in the locality,</p> <p>(c) the suitability of the premises or place proposed to be used,</p> <p>(d) the class of persons likely to resort to it, and, if the applicant held a gaming licence for</p>	<p>Gaming in amusement halls etc. must be licensed by Revenue Commissioners. Certificate from District Court required to apply for such license</p>	
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<p>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.</p> <p>(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.</p> <p>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.</p>		
<p>Irish Horseracing Industry Act, 1994</p> <p>47.— (1) A person shall not carry on the business of a bookmaker at an authorised racecourse, unless such person is an authorised bookmaker or a person specified in a course-betting representative permit.</p> <p>48.— (1) Subject to subsection (3), the Authority may grant to a licensed bookmaker a permit ("a course-betting permit") authorising him to carry on, in person, at an authorised racecourse the business of bookmaking in respect of horse races held at an authorised racecourse and races or other events taking place elsewhere.</p>	<p>Permit from Irish Horseracing Authority required for bookmakers</p>	<p>Horse Racing Ireland responsible for promoting and oversight of racing</p>

<p>(2) The Authority may grant to an authorised bookmaker a permit ("a course-betting representative permit") to carry on, in the absence of that authorised bookmaker, through an employee or agent (being a licensed bookmaker) specified in the permit the business of bookmaking as specified in subsection (1).</p> <p>(3) A course-betting permit granted to a company of the Authority shall restrict the company on a racecourse to operate only from a betting office.</p> <p>(4) The Authority may refuse an application for a permit under this section where it considers the applicant is not a fit or proper person to hold such a permit or the person to be specified in a course-betting representative permit is not a fit or proper person.</p> <p>(5) An application for a permit under this section shall be in such form and contain such particulars as the Authority may from time to time require.</p> <p>(6) The Authority may attach to a permit granted under this section such terms and conditions as it thinks fit and it may also, from time to time, attach further terms or conditions or vary the conditions to such a permit or remove any such terms or conditions.</p> <p>49.—</p> <p>(1) The Authority may appoint in writing such and so many persons as it sees fit to be authorised officers for the purposes of this Act.</p> <p>(2) A warrant of appointment as an authorised officer shall be issued to every person appointed under this section who when exercising any function conferred on the person as an authorised officer, shall, if</p>		
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<p>requested by a person affected, produce the warrant to that person.</p> <p>(3) The Authority may at any time terminate an appointment as an authorised officer.</p> <p>(4) Every person appointed to be an authorised officer under the Act of 1945 and being such an officer immediately before the establishment day shall, on that day, continue to be an authorised officer as if appointed under this section.</p> <p>(5) An appointment under this section as an authorised officer shall cease—</p> <p>(a) where the Authority terminates it under subsection (3), or</p> <p>(b) where the person appointed is an officer or employee of the Authority or its subsidiary upon his ceasing to be such an officer or employee.</p>		
<p>Irish Horseracing Industry Act, 1994</p> <p>35.—</p> <p>A company of the Authority established for the sole purpose of carrying on the business of bookmaker may apply for and hold a bookmakers licence (within the meaning of the Betting Act, 1931).</p> <p>Betting Act 1931</p> <p>2.—</p> <p>(1) No person shall carry on business or act as a bookmaker or hold himself out or represent himself to be a bookmaker or a licensed bookmaker unless he holds a bookmaker's licence issued or deemed to have been issued to him under this Act and for the time being in force.</p> <p>(2) Every person who carries on business or acts as a bookmaker in contravention of this section and every person who hold himself</p>	<p>Licence required to operate as bookmaker.                  Certificate of personal fitness required from Irish police in order to obtain bookmaker's licence.                  Applicants who are not residents of Ireland must provide the names of three persons resident in the State to endorse their applications</p>	

<p>out or represents himself to be a bookmaker or a licensed bookmaker in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to an excise penalty of five hundred pounds.</p> <p>Betting Act 1931 5.—</p> <p>(1) Any person (other than a body corporate or an unincorporated body of persons) who is ordinarily resident outside Saorstát Éireann and desires to obtain a bookmaker's licence and, after publishing the notice hereinafter mentioned, apply in the prescribed manner and form to the Minister for Justice for a certificate (included in the references in this Act to a certificate of personal fitness) that he is a fit and proper person to hold a bookmaker's licence.</p> <p>(2) Every person intending to apply under this section for a certificate of personal fitness shall, not less than one fortnight nor more than one month before making such application, publish notice of his intention to make such application at least once in a daily newspaper published and circulating in the City of Dublin.</p> <p>(3) On receiving an application under this section for a certificate of personal fitness the Minister for Justice may in his absolute discretion either give to the applicant a certificate in the prescribed form that such applicant is a fit and proper person to hold a bookmaker's licence or may on any ground and without stating the ground refuse to give such certificate.</p>		
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<p>6.— A superintendent of the Garda Síochána may refuse an application for a certificate of personal fitness on any one or more of the following grounds and on no other ground whatsoever, that is to say:— [...] ( h ) that the applicant had ordinarily resided in Saorstát Éireann for less than twelve months before making the application;</p> <p>7.— (1) Any person to whom a certificate of personal fitness has been given may, within twenty-one days after the issue of such certificate, apply to the Revenue Commissioners in writing in the prescribed form for a bookmaker's licence commencing on such date (being either the next following 1st day of December or a day not more than fourteen days after the date of the application) as he shall specify in the application.</p> <p>Betting Act (District Court and Garda Síochána) Regulations 1931 - Reg 13</p> <p>[...] Application for a certificate of personal fitness (from a person who is ordinarily resident outside Saorstát Éireann).</p> <p>To the Minister for Justice. I, ..... having inserted an advertisement in ..... dated the ..... day of ..... 19..... of my intention to make this application, copy of which is attached, hereby apply to you for a certificate that I am a proper person to have a bookmaker's licence. I refer to the following persons who are</p>		
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<p>resident in Saorstát Éireann and are prepared to support my application:—.....  of.....  of.....  of.....  I propose to have an office registered under the Betting Act, 1931,  at.....  Date this .....day of.....19.....  Signed.....</p>		
<p>Gaming and Lotteries Act, 1956, as amended  27.—  (1) A Superintendent of the Garda Síochána, on the application of any person residing in his district, may issue a permit for the promotion of a lottery in accordance with this section.  (2) The lottery shall comply with the following conditions:—  (a) the permit-holder shall derive no personal profit from the lottery;  (b) the total value of the prizes shall be not more than three hundred pounds;  (c) the value of each prize shall be stated on every ticket or coupon.  (3) A permit shall not be granted more than once in six months for the benefit of any one beneficiary.  (4) Where, however, a carnival, bazaar, sports meeting, local festival, exhibition or other like event is being organised, the permit may authorise the promotion of more than one lottery in conjunction with it. If more than one lottery is held in any week, the total value of the prizes for the week shall be not more than three hundred pounds.  (5) An appeal shall lie to the District Court from the refusal of a Superintendent to grant a</p>	<p>Either a licence, to be issued by the District Court, or a permit, to be issued by the Irish Police, is required for any charitable lottery. At least 28 days notice is required.</p>	<p>General prohibition of lotteries</p>

<p>permit. The decision of the District Court shall be final.</p> <p>28.—                  (1) The District Court may grant a licence for the promotion, during such period, not exceeding one year, as shall be specified in the licence, of periodical lotteries in accordance with this section.</p> <p>(2) Each series of lotteries shall comply with the following conditions:</p> <ul style="list-style-type: none"> <li>(a) it shall be for some charitable or philanthropic purpose or purposes;</li> <li>(b) the licensee shall derive no personal profit from it;</li> <li>(c) the total value of the prizes on any occasion shall be not more than five hundred pounds, and, if more than one lottery is held in any week, the total value of the prizes for the week shall be not more than five hundred pounds;</li> <li>(d) the value of each prize shall be stated on every ticket or coupon;</li> <li>(e) not more than forty per cent. of the gross proceeds shall be 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.</li> </ul> <p>29.—                  (1) The intending applicant for a licence shall give twenty-eight days' notice in writing of his intention to the Superintendent of the Garda Síochána for the district in which the lottery is to be organised.</p> <p>(2) The notice shall state the kind of lottery proposed to be carried on, the purpose of the lottery, the amount, or proportion of the</p>	
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<p>proceeds, intended to be devoted to the remuneration of agents, ticket-sellers and other persons employed in connection with it, and the value of the prizes.</p> <p>31.—                  (1) In considering an application for a licence the court shall have regard to—                  (a) the character of the applicant, and                  (b) the number of periodical lotteries already in operation in the locality.</p> <p>(2) At the hearing, 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.</p> <p>4.—                  (1) An application for the grant of a certificate may be made at any sitting of the District Court for the exercise of summary jurisdiction for the Court Area in which the premises sought to be licensed are situate.</p> <p>(2) (a) Notice of intention to make such application shall be in accordance with Form 1 in the Schedule hereto, and shall be lodged with the Clerk of the Court Area wherein the application is to be made at least seven days before the date of hearing of the application.                  (b) Such notice shall be served on the Superintendent of the Garda Síochána for the District and on the Local Authority within whose administrative area the premises are situate at least twenty-eight days before the date of hearing of the application.                  (c) The applicant shall also cause a notice of the intended application to be published at least fourteen days before the hearing in a newspaper circulating in the locality.</p>		
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<p>(3) Every certificate shall be in accordance with Form 2 in the Schedule hereto or such modification thereof as may be appropriate.</p> <p>District Court (Gaming and Lotteries Act, 1956) Rules, 1962</p> <p>5.—</p> <p>(1) An application for the grant of a licence may be made at any sitting of the District Court for the exercise of summary jurisdiction for the Court Area in which the lottery is to be organised.</p> <p>(2) (a) Notice of intention to make such application shall be in accordance with Form 3 in the Schedule hereto, and shall be lodged with the Clerk of the Court Area wherein the application is to be made at least seven days before the date of hearing of the application.</p> <p>(b) Such notice shall be served on the Superintendent of the Garda Síochána for the District in which the lottery is to be organised at least twenty-eight days before the date of hearing of the application.</p>		
<p>Finance (Miscellaneous Provisions) Act, 1956 §22.—</p> <p>(1) The Minister, for the purpose of any borrowing which he is authorised by or under any Act to effect, may create and issue non-interest-bearing securities which shall be subject to such conditions as to repayment, redemption or otherwise as he thinks fit and in relation to which chance may be used to select particular securities for prizes, and such securities shall be known and are referred to in this Part of this Act as prize bonds.</p>	<p>Securities in connection with which prizes are offered based on chance may be issued by the Minister of Finance and are exempt from the provisions of the Gaming and Lotteries Act</p>	<p>To raise funds for the Irish Government</p>

<p>(2) The principal of prize bonds, the prizes in respect of them and the expenses incurred in connection with their issue shall be charged on the Central Fund or the growing produce thereof.</p> <p>(3) Any moneys raised by prize bonds shall be placed to the credit of the account of the Exchequer and shall form part of the Central Fund and be available in any manner in which such Fund is available.</p> <p>(4) Any expenses incurred in connection with the management of prize bonds shall be defrayed out of moneys provided by the Oireachtas.</p> <p>(5) Nothing contained in the Gaming and Lotteries Act, 1956 (No. 2 of 1956), shall apply in relation to prize bonds.</p> <p>§ 24.—Stamp duty shall not be chargeable in respect of—</p> <p>(a) any warrant, cheque or other instrument by which payment is effected, being a warrant, cheque or other instrument for payment of a sum repayable, or any other sum payable by or on behalf of the Minister, in respect of prize bonds,</p> <p>(b) any receipt for any such sum or for any sum paid in respect of the purchase of prize bonds,</p> <p>(c) any power of attorney or other document which relates solely to the payment or receipt of any such sum as is mentioned in paragraph (a) of this section, or</p> <p>(d) any award made where a dispute relating to prize bonds is determined pursuant to regulations under section 23 of this Act.</p>		
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**B) DRAFT LEGISLATION**

Our research has revealed no relevant legislation.

**C) SELF-REGULATION**

Our research has revealed no relevant legislation.

## D) JURISPRUDENCE

<b>Court Decisions and specifically relevant passages</b>	<b>Barriers to the Free Movement of Gambling Services</b>	<b>Justifications for Continuation of Barriers</b>
<p>The Attorney General v. Best's Stores Limited [1970] IR 225 (1968 N° 15 SS)</p> <p>“There appears to be no relevant authority which would render the purchase of tickets by the participants a necessary ingredient of a lottery. On the contrary, definitions excluding that ingredient have been judicially approved. The reference to the purchase of tickets in some of the cases, and possibly also in some dictionary definitions, may have arisen from the fact that in some of the earlier statutes lotteries were controlled by a prohibition against the sale of tickets. What is common to all the definitions and what appears to me to be the necessary element of a lottery within the meaning of the Act is that there must be a prize. This requirement takes outside the Act such common instances of determination by lot as the choosing of a candidate in the event of an equality of votes, or the distribution of bounty among many qualified recipients[...].</p> <p>Viewed thus, the transaction giving rise to these summonses was a lottery whether or not the customers participating in the draw are to be deemed to have purchased their right to participate. However, in my view they did purchase that right. The consideration for a sale</p>	<p>License or permit required to allow customers to participate in a draw for a prize based on receipts for purchases of over £1. Failure to comply may result in criminal prosecution.</p>	<p>General prohibition of lotteries</p>

<p>need not necessarily be money; any consideration is sufficient and in strict legal usage purchase means the acquisition of property by one's personal action and not by inheritance. The fulfilling of the necessary condition of becoming a customer in the respondents' store and purchasing goods to the value of 1 Pound or more affords such consideration. In my view it is immaterial that a customer could forego his right to enter for the draw without receiving any discount or other benefit."</p>		
<p>THE ATTORNEY GENERAL, v JOHN HEALY, (1971 No 244 SS), High Court, [1972] IR 393, 4 February 1972</p> <p>"That a right to obtain a sum of money subject to a test, or subject to undertaking some service, is a prize seems to me quite clear as a matter of principle[citation omitted]... The game here is readily separable into two parts, the number of persons eligible for a prize is reduced by the first part of the game; the question-and-answer part of the game has no connection with the Bingo part of the game. [...]</p> <p>In the first place, the successful Bingo competitor could not sell his chance of winning a prize to someone else because he alone must answer the question, but he still has won something of value, even though he might not be able to sell it. He has won the opportunity of winning a money prize by answering a comparatively simple question.</p> <p>Nevertheless, the opportunity of answering the question was of value and, in my opinion, it was a prize won by pure chance and nothing</p>	<p>The addition of an element of skill by requiring person selected at random to answer a question in order to win the prize does not remove such a scheme from the definition of a lottery</p>	<p>General prohibition of lotteries</p>

<p>else. [...]the game in the present case must be divided into two parts, the first of which, being an arrangement for the distribution of prizes solely by chance among persons purchasing tickets, was a lottery, and the defendant was therefore properly convicted”</p>		
<p>Seamus Flynn v Michael Denieffe, Independent Newspapers plc and Eason and Son Ltd, Defendants [1989 No 530 SS] High Court[1989] IR 722, [1990] ILRM 391</p> <p>“In my view it is now established beyond debate that the participation in a lottery does not necessarily involve the purchase of a ticket or the payment of an entrance fee or subscription segregated or isolated from some other payment. On the other hand it does seem to me that the authorities do establish that some payment must be made in some form by those participating in the lottery. [...]</p> <p>‘There are really three points one must look for in deciding whether a lottery has been established: first of all, the distribution of prizes; secondly, the fact that this was to be done by means of a chance; and thirdly, that there must be some actual contribution made by the participants in return for them obtaining a chance to take part in the lottery. It must not be entirely forgotten in the construction of these Acts of Parliament that the evil which the lottery law has sought to prevent was the evil which existed where poor people with only a few pence to feed their children would go and put these few pence into a lottery and lose it, and this sociologically was a bad thing. It is for that reason -- the reason that that is the mischief aimed at -- that the lotteries have always</p>	<p>No purchase requirement necessary to render such a scheme a lottery if “the overwhelming majority” of persons interested in the scheme will purchase and the purpose of the scheme is to encourage them to do so.</p>	<p>General prohibition of lotteries</p>

<p>required the third factor to which I have referred, namely that there should be some contribution from the participant, or from a substantial number of the participants, in return for obtaining a chance [citation omitted] [...]</p> <p>It seems to me that what the authorities have decided may be summarized as follows. A game or scheme will not constitute a lottery unless the persons participating therein (or at any rate a substantial number of them) make some form of payment in return for obtaining their chance of a prize; the payment need not be allocated specifically to participation in the event but may be included in an aggregate or composite payment for some goods or services the price of which includes the right to participate in the game of chance. Furthermore this form of composite payment falls to be treated as consideration for entering the scheme even though the price of the goods or services has not been altered in any way to reflect the benefits conferred by the lottery. [...]</p> <p>Whilst the promoters of the scheme no doubt recognized, and counsel on their behalf emphasized, that a person could in law, and might in fact, obtain a prize under the scheme without even having purchased any of the second defendant's newspapers, I think that this must be the exceptional case and that the reasonable inference from the nature of the scheme, the availability of the claims form and contents thereof, must be that the overwhelming majority of persons interesting themselves in the scheme and more particularly claiming prizes thereunder would have purchased the second defendant's newspapers and that indeed the</p>	
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**II. BARRIERS Table**

**JURISPRUDENCE**

**IRELAND**

<p>whole purpose of the scheme was to encourage them so to do. In these circumstances it seems to me that the scheme does constitute a lottery[...]"</p>		
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