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Simon Cooper
Draft Gambling Bill Consultation
Gambling and National Lottery Licensing Division
Department for Culture, Media and Sport
2-4 Cockspur Street
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Periodical

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Dear Mr Cooper

Draft Gambling Bill consultation

The Periodical Publishers Association (PPA) is the trade association for UK magazine publishers. PPA represents the interests of over 2,500 print titles and online publishers. It is the only voice of the UK magazine industry.

Our main interest in the Gambling Bill relates to the area of lotteries and prize competitions. It is integral to the economics of the magazine industry that magazines can run legitimate 'reader competitions' without falling foul of the law. It is also imperative that magazines have a clear and fair framework that enables them to advertise competition schemes lawfully.

Firstly PPA welcomes Schedule 7 which clarifies free entry routes. This has previously been a grey area for magazine publishers.

Clause 208

PPA is still however concerned with the wording of what is now Clause 208(4). This wording does not correspond with the government's proposal published in June as to how lotteries would be defined in the Bill. In June the government unequivocally stated that a lottery would simply be a scheme where the winner is determined entirely by chance.

Clause 208(1)(b) states this position clearly, but is then qualified by 208(4) which states 'a system for the allocation of prizes relies wholly on chance ... if the requirement is not likely to prevent persons who want to enter the lottery from doing so'

So, where the Bill begins positively by stating that an element of skill will prevent a scheme from being a lottery it then steps right back from this position to require a particular *degree* of skill, namely, that the level of skill must otherwise act as a barrier to entry.

In the Explanatory Notes it is stated that the requirement to use basic literacy skills to enter the scheme would not be enough to be a barrier to entry.

Magazine publishers have a delicate balance to find. They do not want to run competitions that are so complex they exclude entrants but according to this draft of the Bill they may have to increase the complexity of a competition in order to stop it being an illegal lottery. As an example of the difficulty of defining 'skill' some magazine competitions actually base their



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questions on basic literacy skill! E.g. missing out full stops or apostrophes and expecting the reader to correct a mistake. Under your definition would they be precluded from running competitions such as this on the basis it was a lottery because only a low level of skill (relating to literacy) was required?

PPA advocates that lottery should purely be defined as a scheme requiring payment to enter in which the destination of the prize or prizes is determined entirely by chance, as provided by Section 208(1)(b). This would make an element of skill all that is necessary to prevent a scheme from being deemed a lottery.

Clause 208(4) dilutes the concept of 'wholly by chance', and by requiring 'skill' to be at a level which acts as a barrier to entering a competition, confuses the true meaning of 208(1).

As currently drafted clause 208 works to the detriment of legitimate competition runners. PPA would argue that 208(1)(b) needs no further expansion and that 208(4) is unnecessary and only works to contaminate what is otherwise an extremely clear and realistically drafted clause in line with the June proposal.

If you require any further information please do not hesitate to contact Clare Hoban on 0207 400 7520.

Yours sincerely



Clare Hoban
Solicitor – Head of Public and Legal Affairs



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