

[REDACTED]

FOI 326/24-25

23 October 2024

[REDACTED]

I refer to your correspondence dated 24 September 2024 in which you requested information in relation to prosecutions under Article 132 of the Betting, Gaming, Lotteries and Amusements (NI) Order 1985. Your request has been dealt with under the terms of the Freedom of Information Act 2000.

Freedom of Information Act 2000

The Freedom of Information Act creates rights of access for any person making a request for information to a public authority. The rights of access are twofold. First, to be informed by the public authority if it holds information of the description specified in the request, and if that is the case, secondly, to be provided with that information. These rights are subject to important limitations, which are designed to achieve a proper balance between the right to know and considerations of law and policy in the broader public interest.

You had asked the following:

1. *“The number of prosecutions brought under Article 132 of the Betting, Gaming, Lotteries and Amusements (NI) Order 1985 since its inception in the mid-1980s.*
2. *A breakdown of these prosecutions by year.*
3. *The geographical locations (county level) where these prosecutions occurred.*
4. *Whether the political or community affiliations of the accused were recorded as part of the prosecution process, and if so, the data regarding any trends linked to political affiliation.*
5. *Any internal guidance or policy documents that discuss the use or application of this legislation concerning political or community groups, such as GAA clubs or Orange Halls”*

In response to questions 1 & 2, please be advised there have been 14 prosecutions under Article 132 of the Betting, Gaming, Lotteries and Amusements (NI) Order 1985 and other related offences. Five decisions issued in 1994, 4 decisions issued in 2021, 2 decisions issued in 2022, and 3 decisions issued in 2024. Offences considered in the analysis can be found at **Annex A** below.

In response to question 3, please be advised that:

- The 3 decisions issued in 2024 relate to an incident location in County Antrim;
- The 2 decisions issued in 2022 relate to an incident location in County Tyrone;
- The 4 decisions issued in 2021 relate to an incident location in County Tyrone;
- Our records do not indicate an incident location for the remaining 5 decisions issued in 1994.

In response to question 4, please be advised that the political or community affiliations of defendants are not recorded, therefore, in terms of the Freedom of Information Act 2000, we can confirm that under Section 1(1)(a) of the Act, the PPS does not hold the requested information.

In response to question 5, please be advised the PPS does not hold this information, therefore, in terms of the Freedom of Information Act 2000, we can confirm that under Section 1(1)(a) of the Act, the PPS does not hold the requested information.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review in accordance with our review procedure. You should do this as soon as possible or in any case within two months of the date of this response and you can do so by writing to the Head of Policy and Information, Public Prosecution Service, Belfast Chambers, 93 Chichester Street, BELFAST, BT1 3JR or alternatively by sending an e-mail to info@ppsni.gov.uk. You should state the grounds on which you are requesting the review.

Alternatively, you may wish to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

**Information Management Team
Public Prosecution Service**

Annex A

Offence Description	Legislation
AIDING AND ABETTING POSSESSING TICKETS OR CHANCES IN A LOTTERY FOR THE PURPOSE OF SALE OR DISTRIBUTION	Article 132(1)(b) of the Betting Gaming Lotteries and Amusements (Northern Ireland) Order 1985.
CONSPIRACY TO POSSESS LOTTERY TICKETS TO SELL	Article 9(1) of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 and Article 132 (1)(b) of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.
POSSESSING TICKETS OR CHANCES IN A LOTTERY FOR THE PURPOSE OF SALE OR DISTRIBUTION	Article 132(1)(b) of the Betting Gaming Lotteries and Amusements (Northern Ireland) Order 1985.
SELLING TICKETS OR CHANCES IN UNLAWFUL LOTTERY	Article 132(1)(b) of the Betting Gaming Lotteries and Amusements (Northern Ireland) Order 1985.
MAKING, PRINTING, ADVERTISING OR PUBLISHING TICKETS FOR USE IN A LOTTERY	Article 132(1)(a) of The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.
SELLING, DISTRIBUTING OR ADVERTISING LOTTERY TICKETS	Article 132(1)(b) of The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.
CONTRAVENING CONDITIONS FOR PRIVATE LOTTERY	Article 134(2) of The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.
BREACH OF REQUIREMENTS FOR SOCIETY'S LOTTERY	Article 139(1) of The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.

Independent, fair and effective