

## THE LAW RELATING TO COMPETITIONS

Most legislation relating to any form of gaming is designed to prevent crime and disorder, protect children and other vulnerable and ensure that it is

- ✦ Fair and equitable
- ✦ Transparent

You should apply these same principles to any competition.

### What is a competition?

A competition entry relies on exercising a substantial degree of skill. The degree of skill will of course depend on the nature of competition and those who can participate (e.g. children etc).

Effectively, there can't be any element of

- ✦ wagering
- ✦ predict/forecast future events or past events which have not yet been determined (e.g. who will win the World Cup), guessing (this may amount to betting)
- ✦ a distribution of prizes by chance.

It is quite acceptable to ask for payment to enter a competition. This can include the purchase of a magazine in which the competition is published.

### Information about the competition must contain:

- ✦ Full name & address of the promoter
- ✦ Details of any entry restrictions, including as to the number of entries, participant's age and/or location, or technological restrictions e.g. use of internet
- ✦ Details of how entry is to be made
- ✦ Clear entry details – how you enter
- ✦ Details of prizes, including whether there are or could be any substitutions
- ✦ Closing date (if international, specify the time zone e.g. GMT, UK etc)
- ✦ Details of when and how the winner will be chosen, including judges criteria
- ✦ Details of when and how the winners will be notified
- ✦ Details of when and how the winners will receive their prize and whether they need to participate in post-prize publicity
- ✦ Who owns the copyright in any competition, if this is relevant and ensure you have written permission (e.g. use of a TV show/ theme etc)

### Tips if you are running a competition

- ✦ Free entry must be exactly that, without any hidden payments (including using premium rate numbers etc) before or after the draw
- ✦ Keep a clear trail as to how entries are received, stored, placed in the draw etc
- ✦ Ensure that the judge's criteria for choosing a winner are clear
- ✦ Have an independent person to supervise the draw
- ✦ Ensure there is a fair and transparent selection process for winners
- ✦ Keep all communication simple and clear
- ✦ Ensure that you distinguish between a "gift" (given to all or most participants) and a "prize" (given only to winners).

- ✦ Ensure prizes and their value are clear and that there is no room for misrepresentation
- ✦ Don't change the closing date unless there are exceptional circumstances outside your control
- ✦ Don't change the prizes unless there are exceptional circumstances outside your control – if you do, ensure that the prize is of the same value and type etc
- ✦ Make sure winner receive their prizes within 6 weeks from the date of the draw – this doesn't have to be the actual prize, for example if it is a holiday, but tickets etc should be handed to the winner

### **When is a competition not a competition?**

(1) Competitions can be regarded as lotteries (which have separate rules) if there is

- ✦ A distribution of prizes AND
- ✦ Wholly by chance AND
- ✦ The chances are “bought” by a payment to enter.

(2) If there is no payment and no competitive element, it could be a “prize draw” and so could actually be illegal.