

*Status: Point in time view as at 01/04/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Lotteries and Amusements Act 1976 (repealed), Schedule 2A. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 2A

#### LOTTERY MANAGERS

##### Textual Amendments

- F1** Sch. 2A inserted (3.10.1994) by [National Lottery etc. Act 1993 \(c. 39\)](#), s. 50(2), Sch. 9; [S.I. 1994/1055](#), art. 3

### <sup>F2</sup>PART I

#### CERTIFICATION

##### Textual Amendments

- F2** Sch. 2A inserted (3.10.1994) by [1993 c. 39](#), s. 50(2), [Sch.9](#); [S.I. 1994/1055](#), [art. 3](#)

### <sup>F3</sup>*Application and fee*

##### Textual Amendments

- F3** Sch. 2A inserted (3.10.1994) by [1993 c. 39](#), s. 50(2), [Sch.9](#); [S.I. 1994/1055](#), [art. 3](#)

- 1 (1) An application for a person to be certified as a lottery manager shall be made to the Board.
- (2) The application shall be in such form and contain such information as the Board may require.
- (3) A fee of [<sup>F4</sup>£14,850 ]shall be payable to the Board when the application is made.
- (4) Any fees received by the Board by virtue of this paragraph shall be paid into the Consolidated Fund.

##### Textual Amendments

- F4** Fee in sch. 2A para. 1(3) substituted (1.4.2004) by [The Lotteries \(Gaming Board Fees\) Order 2004 \(S.I. 2004/532\)](#), arts. 1, [8](#)

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### <sup>F5</sup>Grant or refusal of certificate

#### Textual Amendments

**F5** Sch. 2A inserted (3.10.1994) by 1993 c. 39, s. 50(2), **Sch.9**; S.I. 1994/1055, **art. 3**

- <sup>F62</sup> (1) Subject to sub-paragraphs (2) and (3) below, on the making of an application and the payment of a fee in accordance with paragraph 1 above, the Board shall grant a certificate to the applicant certifying him as a lottery manager.
- (2) The Board shall refuse to grant the certificate if, after giving the applicant an opportunity of being heard, they are not satisfied that he is a fit and proper person to manage a lottery.
- (3) The Board may refuse to grant the certificate if, after giving the applicant an opportunity of being heard, it appears to them that—
- (a) any person who would be likely to manage the business or any part of the business of managing lotteries under the certificate is not a fit and proper person to do so,
  - (b) any person for whose benefit that business would be likely to be carried on is not a fit and proper person to benefit from it, or
  - (c) any information given by the applicant to the Board in or in connection with the application is false in a material particular.
- (4) Where the Board refuse to grant a certificate, they shall notify the applicant in writing of the refusal and the ground for it.

#### Textual Amendments

**F6** Sch. 2A inserted (3.10.1994) by 1993 c. 39, s. 50(2), **Sch.9**; S.I. 1994/1055, **art. 3**

### <sup>F7</sup>Conditions

#### Textual Amendments

**F7** Sch. 2A inserted (3.10.1994) by 1993 c. 39, s. 50(2), **Sch.9**; S.I. 1994/1055, **art. 3**

- <sup>F83</sup> A certificate may include such conditions as the Board consider appropriate for protecting the interests—
- (a) of any societies or local authorities whose lotteries the certificate holder may manage, or
  - (b) of the persons who participate in any lottery that the certificate holder may manage.

#### Textual Amendments

**F8** Sch. 2A inserted (3.10.1994) by 1993 c. 39, s. 50(2), **Sch.9**; S.I. 1994/1055, **art. 3**.

- <sup>F94</sup> (1) The Board may, after giving the certificate holder an opportunity of being heard, vary any condition in a certificate.

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- (2) The Board's power to vary a condition in a certificate under this paragraph includes power to add a condition to the certificate or omit a condition from it (and references in this paragraph to the variation of a condition are to be read accordingly).
- (3) Where the Board vary a condition under this paragraph they shall serve a notice on the certificate holder, by post, informing him—
  - (a) of the variation, and
  - (b) of the effect of sub-paragraph (4) below.
- (4) The variation shall take effect at the end of the period of twenty-one days beginning with the date of service of the notice.

**Textual Amendments**

**F9** Sch. 2A inserted (3.10.1994) by 1993 c. 39, s. 50(2), [Sch.9](#); S.I. 1994/1055, [art. 3](#)

*F10 Duration of certificate*

**Textual Amendments**

**F10** Sch. 2A inserted (3.10.1994) by 1993 c. 39, s. 50(2), [Sch.9](#); S.I. 1994/1055, [art. 3](#)

**F115** A certificate shall have effect until it is revoked by the Board.

**Textual Amendments**

**F11** Sch. 2A inserted (3.10.1994) by 1993 c. 39, s. 50(2), [Sch.9](#); S.I. 1994/1055, [art. 3](#)

*F12 Revocation of certificate*

**Textual Amendments**

**F12** Sch. 2A inserted (3.10.1994) by 1993 c. 39, s. 50(2), [Sch.9](#); S.I. 1994/1055, [art. 3](#)

**F136** The Board may revoke a certificate if the certificate holder consents.

**Textual Amendments**

**F13** Sch. 2A inserted (3.10.1994) by 1993 c. 39, ss. 50(2), 65, [Sch.9](#); S.I. 1994/1055, [art. 3](#)

- F147**
- (1) The Board shall revoke a certificate if, after giving the certificate holder an opportunity of being heard, they are satisfied that he is no longer, or never was, a fit and proper person to manage a lottery.
  - (2) The Board may revoke a certificate if, after giving the certificate holder an opportunity of being heard, it appears to them that—
    - (a) any person who is managing the business or any part of the business of managing lotteries under the certificate is not a fit and proper person to do so,

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- (b) any person for whose benefit the business of managing lotteries under the certificate is carried on is not a fit and proper person to benefit from it,
  - (c) any information given by the certificate holder to the Board in or in connection with the application for the certificate was false in a material particular, or
  - (d) the certificate holder has failed to comply with a condition in the certificate or with a requirement imposed on him by or under this Act.
- (3) Where the Board revoke a certificate under this paragraph they shall serve a notice on the certificate holder, by post, informing him—
- (a) of the revocation,
  - (b) of the ground for the revocation, and
  - (c) of the effect of sub-paragraph (4) below.
- (4) The revocation shall take effect at the end of the period of twenty-one days beginning with the date of service of the notice.

#### Textual Amendments

**F14** Sch. 2A inserted (3.10.1994) by 1993 c. 39, s. 50(2), **Sch.9**; S.I. 1994/1055, **art. 3**.

## <sup>F15</sup>PART II

### INFORMATION

#### Textual Amendments

**F15** Sch. 2A inserted (3.10.1994) by 1993 c. 39, s. 50(2), **Sch.9**; S.I. 1994/1055, **art. 3**.

- <sup>F16g</sup> (1) A certificate holder shall preserve all documents of his, including all information kept by him otherwise than in writing, relating to the management of a society's lottery or a local lottery until the end of the period of two years beginning with the date of the lottery.
- (2) The Board may direct that, subject to such conditions as may be specified in the direction, sub-paragraph (1) above shall not apply to documents or information specified, or of a description specified, in the direction.
- (3) A direction under sub-paragraph (2) above shall be given in writing and may be varied or revoked by a subsequent direction.

#### Textual Amendments

**F16** Sch. 2A inserted (3.10.1994) by 1993 c. 39, s. 50(2), **Sch.9**; S.I. 1994/1055, **art. 3**.

- <sup>F17g</sup> The Board may require a certificate holder—
- (a) to provide the Board with such information relating to the management of a society's lottery or a local lottery as they may require;

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- (b) to allow the Board to inspect and take copies of any documents of the certificate holder, including any information kept by him otherwise than in writing, relating to the management of such a lottery;
- (c) where such information is kept by means of a computer, to give the Board such assistance as they may require to enable them to inspect and take copies of the information in a visible and legible form and to inspect and check the operation of any computer, and any associated apparatus or material, that is or has been in use in connection with the keeping of the information;
- (d) to allow the Board to inspect any aspect of the management of such a lottery.

#### Textual Amendments

**F17** Sch. 2A inserted (3.10.1994) by 1993 c. 39, s. 50(2), [Sch.9](#); S.I. 1994/1055, [art. 3](#)

<sup>F18</sup>10 Where a certificate holder is a company to which section 241 of the <sup>M1</sup>Companies Act 1985 (directors' duty to lay and deliver accounts) applies, the company shall, immediately after copies of its accounts for a financial year have been laid before it under that section, send a copy of its profit and loss account for that year and the related auditors' report to the Board.

#### Textual Amendments

**F18** Sch. 2A inserted (3.10.1994) by 1993 c. 39, s. 50(2), [Sch.9](#); S.I. 1994/1055, [art. 3](#)

#### Marginal Citations

**M1** 1985 C. 6.

- <sup>F19</sup>11 (1) A certificate holder to whom paragraph 10 above does not apply shall, in respect of each year in which he holds a certificate, send to the Board a profit and loss account of his business of managing lotteries under the certificate together with a report on the account prepared by a qualifying auditor.
- (2) The account shall be sent to the Board within ten months of the end of the year to which it relates.
  - (3) An account under this paragraph shall comply with any directions given by the Board as to the information to be contained in such an account, the manner in which such information is to be presented or the methods and principles according to which such an account is to be prepared.
  - (4) Any directions under sub-paragraph (3) above shall be given in writing and may be varied or revoked by subsequent directions.
  - (5) In sub-paragraph (1) above "qualifying auditor" means a person who—
    - (a) is eligible for appointment as a company auditor under section 25 of the <sup>M2</sup>Companies Act 1989, and
    - (b) is not disqualified by sub-paragraph (6) below.
  - (6) The following persons are disqualified—
    - (a) the certificate holder;

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- (b) where the certificate holder is an unincorporated body of persons, any of those persons;
  - (c) a partner, officer or employee of the certificate holder or a person disqualified by paragraph (b) above;
  - (d) a partner or employee of a person disqualified by paragraph (c) above;
  - (e) a partnership of which any person disqualified by paragraph (a), (b) or (c) above is a member.
- (7) The auditor's report on an account under this paragraph shall state whether in the auditor's opinion the account has been properly prepared in accordance with any directions given under sub-paragraph (3) above.
- (8) The auditor shall, in preparing his report, carry out such investigations as will enable him to form an opinion as to—
- (a) whether proper accounting records have been kept by the certificate holder, and
  - (b) whether the certificate holder's account is in agreement with the accounting records.
- (9) If the auditor fails to obtain all the information and explanations that, to the best of his knowledge and belief, are necessary for the purposes of his audit, his report shall state that fact.
- (10) In this paragraph "year" means a period of twelve months beginning with 1st January.

**Textual Amendments**

**F19** Sch. 2A inserted (3.10.1994) by 1993 c. 39, s. 50(2), **Sch.9**; S.I. 1994/1055, **art. 3**

**Marginal Citations**

**M2** 1989 C. 40.

<sup>F20</sup>12 (1) A person who, in pursuance of a requirement imposed on him by or under paragraph 9, 10 or 11 above, knowingly or recklessly gives to the Board any information which is false in a material particular shall be guilty of an offence.

(2) A person who knowingly or recklessly includes in a report under paragraph 11 above any information which is false in a material particular shall be guilty of an offence.]

**Textual Amendments**

**F20** Sch. 2A inserted (3.10.1994) by 1993 c. 39, s. 50(2), **Sch.9**; S.I. 1994/1055, **art. 3**

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