



National Lottery etc. Act 1993

1993 CHAPTER 39

PART I

AUTHORISATION AND REGULATION OF THE NATIONAL LOTTERY

Preliminary

1 The National Lottery.

- (1) In this Act “the National Lottery” means all the lotteries that form part of the National Lottery, taken as a whole.
- (2) A lottery forms part of the National Lottery if the following conditions are satisfied.
- (3) The lottery must be promoted or proposed to be promoted—
 - (a) by the [^{F1}person] licensed to run the National Lottery under section 5, or
 - (b) in pursuance of an agreement that has been made between that [^{F2}person] and the lottery’s promoter or proposed promoter.
- (4) The promotion of the lottery must be authorised by a licence that has been granted to its promoter or proposed promoter under section 6.

Textual Amendments

- F1** Word in s. 1(3)(a) substituted (1.10.2006) by [National Lottery Act 2006 \(c. 23\), ss. 3\(a\), 22\(1\)](#); S.I. 2006/2630, art. 2(a)
- F2** Word in s. 1(3)(b) substituted (1.10.2006) by [National Lottery Act 2006 \(c. 23\), ss. 3\(a\), 22\(1\)](#); S.I. 2006/2630, art. 2(a)

^{F3}2 Legality of lotteries forming part of the National Lottery.

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Status: Point in time view as at 01/10/2012.

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Textual Amendments

F3 S. 2 repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), [Sch. 17](#) (with [ss. 352, 354](#)); [S.I. 2006/3272](#), art. 2(4)(5), [Sch. 3B](#) (with [arts. 7-12](#), [Sch. 4](#)) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, [Sch.](#))

F43

Textual Amendments

F4 S. 3 repealed (1.4.1999) by [1998 c. 22](#), ss. 1(2), 26, [Sch. 5 Pt. I](#); [S.I. 1999/650](#), [art. 2](#).

[^{F5}3A The National Lottery Commission.

- (1) There shall be a body corporate known as the National Lottery Commission.
- (2) Schedule 2A makes provision in relation to the Commission.]

Textual Amendments

F5 S. 3A inserted (1.4.1999) by [1998 c. 22](#), s. 1(3); [S.I. 1999/650](#), [art. 2](#).

4 Overriding duties of the Secretary of State and Director General.

- (1) The Secretary of State and (subject to any directions he may be given by the Secretary of State under section 11) the Director General shall each exercise his functions under this Part in the manner he considers the most likely to secure—
 - (a) that the National Lottery is run, and every lottery that forms part of it is promoted, with all due propriety, and
 - (b) that the interests of every participant in a lottery that forms part of the National Lottery are protected.
- (2) Subject to subsection (1), the Secretary of State and the Director General shall each in exercising those functions do his best to secure that the net proceeds of the National Lottery are as great as possible.
- (3) In subsection (2) “the net proceeds of the National Lottery” means the sums that are paid to the Secretary of State by virtue of section 5(6).

Modifications etc. (not altering text)

- C1** S. 4 modified (8.4.2005) by [Horserace Betting and Olympic Lottery Act 2004 \(c. 25\)](#), [ss. 34\(2\)](#), 40; [S.I. 2005/1134](#), art. 2
- C2** S. 4 functions made partly exercisable concurrently (22.8.2007) by [The Transfer of Functions \(Olympics and Paralympics\) Order 2007 \(S.I. 2007/2129\)](#), arts. 1(2), [3\(1\)\(2\)\(a\)\(i\)](#) (with art. 4)

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[^{F6}4A Consultation with Gambling Commission

- (1) If in the course of the exercise of its functions the National Lottery Commission becomes aware of a matter about which the Gambling Commission is likely to have an opinion, the National Lottery Commission shall consult the Gambling Commission.
- (2) The National Lottery Commission shall comply with any direction of the Secretary of State (which may be general or specific) to consult the Gambling Commission.]

Textual Amendments

F6 S. 4A inserted (E.W.S.) (1.10.2005) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), [Sch. 3 para. 2](#) (with [ss. 352, 354](#)); [S.I. 2005/2455](#), art. 2(1), [Sch.](#)

[^{F7}4B Disclosure of information

- (1) The Commissioners for Her Majesty's Revenue and Customs may disclose information to the National Lottery Commission.
- (2) The National Lottery Commission may disclose information to the Commissioners for Her Majesty's Revenue and Customs.
- (3) Information disclosed under this section shall not be further disclosed except in accordance with subsection (4).
- (4) Information may be further disclosed—
 - (a) for the purpose of complying with an enactment,
 - (b) in pursuance of an order of a court,
 - (c) for the purpose of legal proceedings connected with the operation of an enactment relating to lotteries,
 - (d) with the consent of the Commissioners for Her Majesty's Revenue and Customs,
 - (e) with the consent of each person to whom the information relates, or
 - (f) to [^{F8}the Comptroller and Auditor General] for the purposes of the exercise of functions under Part II of the National Audit Act 1983 (c. 44).
- (5) This section has effect despite any prohibition or restriction that would otherwise prevent disclosure of information.

Textual Amendments

F7 Ss. 4B, 4C inserted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), [ss. 2, 22\(1\)](#); [S.I. 2006/2630](#), art. 2(a)

F8 Words in s. 4B(4)(f) substituted (1.4.2012) by [Budget Responsibility and National Audit Act 2011 \(c. 4\)](#), s. 29, [Sch. 5 para. 17](#); [S.I. 2011/2576](#), art. 5

4C Wrongful disclosure

- (1) This section applies to a person—
 - (a) who is or was an officer or employee of the National Lottery Commission, or
 - (b) who acts or acted on behalf of the National Lottery Commission.

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- (2) A person to whom this section applies commits an offence if he discloses information received from the Commissioners for Her Majesty's Revenue and Customs in contravention of section 4B(3) and the information relates to a person whose identity—
- (a) is specified in the disclosure, or
 - (b) can be deduced from it.
- (3) It is a defence for a person charged with an offence under this section of disclosing information to prove that he reasonably believed—
- (a) that the disclosure was lawful, or
 - (b) that the information had already and lawfully been made available to the public.
- (4) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both, or
 - (b) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both.
- (5) In relation to a conviction occurring before the commencement of section 282 of the Criminal Justice Act 2003 (c. 44) (short sentences) the reference in subsection (4)(b) to 12 months shall have effect as if it were a reference to six months.
- (6) In the application of this section to Scotland or Northern Ireland the reference in subsection (4)(b) to 12 months shall be taken as a reference to six months.]

Textual Amendments

F7 Ss. 4B, 4C inserted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 2, 22(1)**; S.I. 2006/2630, art. 2(a)

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