



National Lottery etc. Act 1993

1993 CHAPTER 39

PART I

AUTHORISATION AND REGULATION OF THE NATIONAL LOTTERY

The licensing system

5 Licensing of a body to run the National Lottery

- (1) The Director General may by licence authorise a body corporate to run the National Lottery.
- (2) Only one body may be licensed under this section at any one time.
- (3) The Director General shall not grant a licence under this section unless an application in writing, containing such information as he has specified as necessary for enabling him to determine whether to grant it, has been made to him by such date as he has specified.
- (4) The Director General shall not grant such a licence unless he is satisfied that the applicant is a fit and proper body to run the National Lottery.
- (5) In determining whether to grant such a licence, the Director General may consider—
 - (a) whether any person who appears to him to be likely to manage the business or any part of the business of running the National Lottery under the licence is a fit and proper person to do so, and
 - (b) whether any person who appears to him to be likely to be a person for whose benefit that business would be carried on is a fit and proper person to benefit from it.
- (6) A licence under this section shall include a condition requiring the licensee to pay to the Secretary of State at such times as may be determined by or under the licence such sums out of the proceeds of lotteries forming part of the National Lottery as may be so determined.

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- (7) A licence under this section may include a condition requiring the licensee to make such arrangements as may be determined by or under the licence for securing that, in circumstances specified in the licence, such sums as may be so determined are paid to the Director General for distribution to participants in lotteries forming part of the National Lottery.

6 Licensing of bodies to promote lotteries

- (1) The Director General may by licence authorise a body corporate to promote lotteries as part of the National Lottery.
- (2) A licence under this section shall specify the lotteries, or descriptions of lottery, the promotion of which it authorises.
- (3) The Director General shall not grant such a licence unless an application in writing, containing such information as he has specified as necessary for enabling him to determine whether to grant it, has been made to him.
- (4) The Director General shall not grant such a licence unless he is satisfied that the applicant is a fit and proper body to promote lotteries under the licence.
- (5) In determining whether to grant such a licence, the Director General may consider—
- (a) whether any person who appears to him to be likely to manage the business or any part of the business of promoting lotteries under the licence is a fit and proper person to do so, and
 - (b) whether any person who appears to him to be likely to be a person for whose benefit that business would be carried on is a fit and proper person to benefit from it.
- (6) A licence under this section may include a condition requiring the licensee to obtain the Director General's approval of the rules of any lottery before the lottery is promoted under the licence.

7 Licences under sections 5 and 6: further provisions

- (1) A licence granted under section 5 or 6 shall be in writing and shall specify the period for which (subject to being revoked or suspended) it is to have effect.
- (2) Such a licence may include such conditions (in addition to those required or authorised by section 5 or 6) as the Director General considers appropriate and in particular may include conditions requiring the licensee—
- (a) to obtain the consent of the Director General before doing anything specified, or of a description specified, in the licence;
 - (b) to refer matters to the Director General for approval;
 - (c) to ensure that such requirements as the Director General may from time to time determine or approve are complied with;
 - (d) to provide the Director General at times specified by him with such information as he may require (including, if the information is of a description specified in the licence, information for publication by him);
 - (e) to allow the Director General to inspect and take copies of any documents of the licensee, including any information kept by the licensee otherwise than in writing, relating to the National Lottery or a lottery forming part of it;

- (f) where such information is kept by means of a computer, to give the Director General such assistance as he may require to enable him to inspect and take copies of the information in a visible and legible form or 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;
 - (g) to do such things (and, in particular, to effect such transfers of property or rights) as the Director General may require in connection with the licence ceasing to have effect and the grant of a licence to another body.
- (3) In subsection (2)(e) and (f) “the Director General” includes any representative of the Director General, as well as any member of his staff, who has been authorised by him (whether generally or specially) to make such an inspection.
- (4) Conditions in a licence granted under section 5 or 6 may impose requirements to be complied with by the licensee after the licence has ceased to have effect.
- (5) On the granting of a licence under section 5 or 6, the licensee shall pay to the Director General a fee of such amount as the Secretary of State may by order prescribe.
- (6) All fees received by the Director General by virtue of subsection (5) shall be paid into the Consolidated Fund.

8 Variation of conditions in licences

- (1) The Director General may vary any condition in a licence granted under section 5 or 6 if the licensee consents.
- (2) Subject to subsection (3), the Director General may vary any condition in such a licence without the licensee’s consent if the licensee has been given a reasonable opportunity of making representations to the Director General about the variation.
- (3) Subsection (2) does not apply—
- (a) where the variation would result in a condition requiring the licensee to transfer any property or rights, or
 - (b) in the case of a licence granted under section 5, in relation to a condition that the licence provides may only be varied with the consent of the licensee.
- (4) Where the Director General varies a condition in a licence under subsection (2)—
- (a) he shall serve a notice on the licensee informing the licensee of the variation, and
 - (b) the variation shall take effect at the end of such period as may be specified in the notice.
- (5) The period specified in the notice shall be a period of at least twenty-one days beginning with the date of the notice.
- (6) The Director General’s power to vary a condition in a licence under subsection (1) or (2) includes power to add a condition to the licence or omit a condition from it (and references in this section to the variation of a condition are to be read accordingly).

9 Enforcement of conditions in licences

- (1) If, on an application made by the Director General, the court is satisfied—

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- (a) that there is a reasonable likelihood that a person will contravene a condition in a licence granted under section 5 or 6,
- (b) that a person has contravened such a condition and there is a reasonable likelihood that the contravention will continue or be repeated, or
- (c) that a person has contravened such a condition and there are steps that could be taken for remedying the contravention,

the court may grant an injunction restraining the contravention or, in Scotland, an interdict prohibiting the contravention or (as the case may be) make an order requiring the licensee, and any other person who appears to the court to have been party to the contravention, to take such steps as the court may direct to remedy it.

- (2) In subsection (1) “the court” means the High Court or, in Scotland, the Court of Session.
- (3) Any sum payable to the Secretary of State in accordance with a condition included in a licence by virtue of section 5(6) shall be recoverable by him as a debt due to him from the licensee (and the licensee’s liability to pay it shall not be affected by the licence ceasing for any reason to have effect).

10 Revocation of licences

- (1) The Director General shall revoke a licence granted under section 5 if he is satisfied that the licensee no longer is, or never was, a fit and proper body to run the National Lottery.
- (2) The Director General shall revoke a licence granted under section 6 if he is satisfied that the licensee no longer is, or never was, a fit and proper body to promote lotteries under the licence.
- (3) The Director General may revoke a licence granted under section 5 or 6—
 - (a) if it appears to him that any of the grounds for revocation set out in Part I of Schedule 3 applies, or
 - (b) if the licensee consents.
- (4) Part II of Schedule 3 shall have effect in relation to the revocation of a licence under this section, other than a revocation with the licensee’s consent.