



# 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 body licensed to run the National Lottery under section 5, or
  - (b) in pursuance of an agreement that has been made between that body 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.

#### **2 Legality of lotteries forming part of the National Lottery**

- (1) A lottery that forms part of the National Lottery shall not be unlawful.
- (2) Schedule 1 contains amendments consequential on subsection (1).

#### **3 The Director General of the National Lottery**

- (1) There shall be an office the holder of which shall be appointed by the Secretary of State and known as the Director General of the National Lottery.
- (2) Schedule 2 makes provision in relation to the Director General.

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#### **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).

#### *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.
- (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;

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- (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—
  - (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.

### *Control by the Secretary of State*

## **11 Directions to the Director General**

- (1) The Director General shall in exercising his functions under sections 5 to 10 comply with any directions that he may be given by the Secretary of State.
- (2) Such directions may deal in particular—
  - (a) with the matters that the Director General should take into account in deciding whether or not to grant licences;
  - (b) with the conditions that licences should contain.

## **12 Regulations as to the promotion of lotteries**

- (1) The Secretary of State may by regulations make such provision in relation to the promotion of lotteries that form part of the National Lottery as he considers necessary or expedient.
- (2) Such regulations may in particular impose requirements or restrictions as to—
  - (a) the minimum age of persons to whom or by whom tickets or chances may be sold;

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- (b) the places, circumstances or manner in which tickets or chances may be sold or persons may be invited to buy them;
  - (c) the information that must appear in an advertisement for a lottery;
  - (d) the places, circumstances or manner in which signs relating to a lottery may be displayed.
- (3) In subsection (2) “tickets” includes any document providing evidence of a person’s claim to participate in the chances of a lottery.
- (4) Regulations under this section may make different provision for different areas.

### **13 Contravention of regulations an offence**

- (1) If any requirement or restriction imposed by regulations made under section 12 is contravened in relation to the promotion of a lottery that forms part of the National Lottery—
- (a) the promoter of the lottery shall be guilty of an offence, except if the contravention occurred without the consent or connivance of the promoter and the promoter exercised all due diligence to prevent such a contravention,
  - (b) any director, manager, secretary or other similar officer of the promoter, or any person purporting to act in such a capacity, shall be guilty of an offence if he consented to or connived at the contravention or if the contravention was attributable to any neglect on his part, and
  - (c) any other person who was party to the contravention shall be guilty of an offence.
- (2) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both.
- (3) Summary proceedings in Scotland for an offence under this section may be commenced within a period of six months from the date on which evidence sufficient in the opinion of the procurator fiscal to warrant proceedings came to his knowledge; but no proceedings in Scotland shall be commenced by virtue of this section more than three years after the commission of the offence.
- (4) For the purposes of this section, a certificate signed by or on behalf of the procurator fiscal and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed shall be taken to be so signed unless the contrary is proved.

#### *Provision of information by the Director General*

### **14 Annual report**

- (1) As soon as possible after the end of every financial year, the Director General shall make a report on the exercise of his functions during that year to the Secretary of State.
- (2) In subsection (1) “financial year” means—

- (a) the period beginning with the date on which the first holder of the office of Director General is appointed and ending with the next 31st March, and
  - (b) each successive period of twelve months ending with 31st March.
- (3) The Secretary of State shall lay a copy of every report received by him under this section before Parliament.

## **15 Power of the Secretary of State to require information**

The Director General shall provide the Secretary of State with such information relating to the National Lottery or a lottery forming part of it as the Secretary of State may direct.

### *Miscellaneous and supplementary*

## **16 False representations as to the National Lottery**

- (1) If a person advertising, or offering the opportunity to participate in, a lottery, competition or game of another description gives, by whatever means, a false indication that it is a lottery forming part of, or is otherwise connected with, the National Lottery, he shall be guilty of an offence.
- (2) A person guilty of an offence under this section shall be liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both.

## **17 Extension of powers of Horserace Totalisator Board**

- (1) The Horserace Totalisator Board may hold a licence under section 5 or 6.
- (2) The Horserace Totalisator Board may hold an interest in a body corporate the only or principal object of which is the holding of a licence under section 5 or 6.
- (3) In subsection (2) the reference to holding an interest in a body corporate is to holding, or being beneficially entitled to, shares in that body or to possessing voting power in that body.

## **18 Control of betting on the National Lottery**

- (1) Schedule 1 to the Betting, Gaming and Lotteries Act 1963 (bookmaker's permits, betting agency permits and betting office licences) shall be amended in accordance with subsections (2) to (4).
- (2) In paragraph 15(e) (application for grant or renewal of bookmaker's or betting agency permit must be refused if a similar application has been refused under paragraph 16(1)(a) or 17(b) within preceding twelve months) after "16(1)(a)" and after "17(b)" there shall be inserted "or 18A".
- (3) After paragraph 18 there shall be inserted—
  - "18A (1) In the case of an application for the renewal of a bookmaker's permit or a betting agency permit, the appropriate authority shall refuse the

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application if they are satisfied that the applicant or an employee of his has, since the permit was granted, received or negotiated a bet on the outcome of any lottery forming part of the National Lottery for the purposes of Part I of the National Lottery etc. Act 1993.

(2) For the purposes of sub-paragraph (1) above, the appropriate authority shall disregard any bet which ought properly to have been raised by way of objection on a previous occasion when the permit was renewed.”

(4) In paragraph 27(4) (grounds on which bookmaker’s permit may be cancelled) after paragraph (b) there shall be inserted—

“; or

(c) the authority are satisfied that the holder of the permit or an employee of his has, since the permit was granted, received or negotiated a bet on the outcome of any lottery forming part of the National Lottery for the purposes of Part I of the National Lottery etc. Act 1993.”

(5) The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 shall be amended in accordance with subsections (6) to (8).

(6) In Article 8(4) (grounds on which an application for a bookmaker’s licence must be refused) in sub-paragraph (d) after “(e)” there shall be inserted “or in Article 17(2)(d)”.

(7) In Article 17 (renewal of bookmaker’s licence by a court)—

(a) after paragraph (2)(c) there shall be inserted—

“; and

(d) that neither the applicant nor any employee of his has, since the licence was granted, received or negotiated a bet on the outcome of any lottery forming part of the National Lottery for the purposes of Part I of the National Lottery etc. Act 1993.”, and

(b) after paragraph (2) there shall be inserted—

“(2A) For the purposes of paragraph (2)(d), the court shall disregard any bet which ought properly to have been raised by way of objection on a previous occasion when the licence was renewed.”

(8) In Article 27(1) (grounds on which bookmaker’s licence may be revoked) after paragraph (e) there shall be inserted—

“; Fo

(f) that the licensed bookmaker or an employee of his has, since the licence was granted, received or negotiated a bet on the outcome of any lottery forming part of the National Lottery for the purposes of Part I of the National Lottery etc. Act 1993.”

## **19 Restriction of enactments relating to the rehabilitation of offenders**

(1) Neither section 4(1) of the Rehabilitation of Offenders Act 1974 nor Article 5(1) of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (exclusion of evidence and questions relating to an individual’s previous convictions) shall apply in relation to any proceedings—



- (a) before the Director General in respect of the grant or revocation of a licence, or
  - (b) by way of appeal to the Secretary of State against the revocation of a licence by the Director General.
- (2) A conviction shall not be regarded as spent for the purposes of section 4(2) of that Act or Article 5(2) of that Order (restrictions in respect of such questions put otherwise than in proceedings) if the question is put by the Director General and the following conditions are satisfied.
- (3) The question must be put for the purpose of determining whether to grant or revoke a licence.
- (4) The question must relate to an individual—
- (a) who manages the business or any part of the business carried on under the licence (or who is likely to do so if the licence is granted), or
  - (b) for whose benefit that business is carried on (or is likely to be carried on if the licence is granted).
- (5) When the question is asked, the person questioned must be informed that by virtue of this section all the individual's previous convictions are to be disclosed.

## **20 Interpretation of Part I**

In this Part—

“contravention”, in relation to a condition or requirement, includes a failure to comply with that condition or requirement (and “contravened” is to be read accordingly);

“the Director General” means the Director General of the National Lottery;

“participant”, in relation to a lottery, means a person who has bought a ticket or chance in the lottery;

“promote” includes conduct (and “promotion” is to be read accordingly);

and any reference to a lottery forming part of the National Lottery is to be read in accordance with section 1.