

Status: Point in time view as at 22/08/2007.

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SCHEDULES

[^{F1}SCHEDULE 2A

Section 3A.

THE NATIONAL LOTTERY COMMISSION

Textual Amendments

F1 Sch 2A inserted (1.4.1999) by 1998 c. 22, ss. 1(5), Sch. 1 Pt. II para. 7; S.I. 1999/650, art. 2(b)

Modifications etc. (not altering text)

C1 Sch. 2A modified (23.9.2006) by The National Lottery Act 2006 (Commencement No. 2 and Transitional Provisions) Order 2006 (S.I. 2006/2630), art. 3

Status and capacity

- 1
- (1) The Commission shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
 - (2) The members and employees of the Commission shall not be regarded as civil servants and the Commission's property shall not be regarded as property of, or held on behalf of, the Crown.
 - (3) The Commission may for the purpose of enabling them to exercise their functions acquire and dispose of land.
 - (4) It shall be within the capacity of the Commission as a body corporate created by statute to do such things and enter into such transactions as are incidental or conducive to the discharge of their functions under this Act.

Membership

- 2
- [^{F2}(1) The Commission shall consist of at least five members, appointed by the Secretary of State.]
 - (2) Before appointing a person to be a member, the Secretary of State shall satisfy himself that that person will have no such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member.
 - (3) The Secretary of State shall also satisfy himself from time to time with respect to every member that he has no such interest as is mentioned in sub-paragraph (2).
 - (4) Any person who is, or whom the Secretary of State proposes to appoint to be, a member shall, whenever requested by the Secretary of State to do so, furnish him with such information as the Secretary of State considers necessary for the performance by him of his duties under sub-paragraphs (2) and (3).

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Textual Amendments

- F2** Sch. 2A para. 2(1) substituted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 1(2)**, 22(1); [S.I. 2006/2630](#), [art. 2\(a\)](#) (with [art. 3](#))

Tenure of office

- 3 (1) Members shall hold and vacate office in accordance with their terms of appointment, subject to the following provisions.
- (2) Any appointment of a member shall be for a term no longer than five years.
- (3) A member may resign his membership by giving written notice to the Secretary of State.
- (4) A person who ceases to be a member shall be eligible for re-appointment.
- (5) The Secretary of State may by notice in writing to the member concerned remove from office a member who—
- (a) has been absent from three or more consecutive meetings of the Commission without their prior approval,
 - (b) has become bankrupt, has made an arrangement with his creditors, has had his estate sequestrated, has granted a trust deed for his creditors or has made a composition contract with his creditors, or
 - (c) is, in the opinion of the Secretary of State, unable or unfit to perform his duties as a member.

Chairman

- [^{F3}4 (1) The Secretary of State shall appoint a member of the Commission as chairman.
- (2) A member of the Commission who is also an employee of the Commission may not be appointed as chairman.
- (3) The chairman shall hold and vacate office in accordance with the terms of his appointment; but—
- (a) sub-paragraphs (2) to (5) of paragraph 3 shall apply to the office of chairman as they apply to the office of member, and
 - (b) if the chairman ceases to be a member he shall cease to be chairman.]

Textual Amendments

- F3** Sch. 2A para. 4 substituted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 1(3)**, 22(1); [S.I. 2006/2630](#), [art. 2\(a\)](#) (with [art. 3](#))

Remuneration and allowances

- 5 (1) The Commission may pay such remuneration, and such travelling and other allowances, to a member of the Commission as the Secretary of State may determine in the case of the member.

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- (2) Where the Secretary of State so determines in the case of a member of the Commission, the Commission shall—
 - (a) pay to or in respect of him such pension, allowances or gratuities, or
 - (b) make such payments towards the provision of a pension, allowances or gratuities to or in respect of him,as the Secretary of State may determine.
- (3) If the Secretary of State determines that there are special circumstances that make it right for a person ceasing to be a member of the Commission to receive compensation, the Commission may pay to him such compensation as the Secretary of State may determine.

Staff

- 6 (1) There shall be a Chief Executive of the Commission, who shall be appointed by the Commission as an employee of theirs.
- (2) The Chief Executive shall be responsible to the Commission for the general exercise of the Commission's functions.
- (3) Subject to any directions given to them by the Secretary of State with respect to the number of persons who may be employed by the Commission, the Commission may appoint such other employees as they think fit.
- (4) Subject to any directions given to the Commission by the Secretary of State, the Chief Executive and any other employees shall be employed on such terms and conditions (including terms and conditions as to remuneration) as the Commission think fit.
- (5) Service as an employee of the Commission shall be included in the kinds of employment to which a scheme under section 1 of the ^{M1}Superannuation Act 1972 can apply.
- (6) Accordingly, in the Superannuation Act 1972, in Schedule 1 (kinds of employment etc referred to in section 1) the following entry shall be inserted at the appropriate place among the entries under the heading "*Royal Commissions and other Commissions*"—
"National Lottery Commission".
- (7) The Commission shall pay to the Minister for the Civil Service, at such times as that Minister may direct, such sums as that Minister may determine in respect of the increase attributable to sub-paragraphs (5) and (6) in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

Marginal Citations

M1 1972 c. 11.

- [^{F4}6A (1) The Secretary of State may appoint the Chief Executive of the Commission as a member.
- (2) Where the Chief Executive is appointed as a member—
 - (a) paragraph 5 shall not apply to him, and
 - (b) if he ceases to be Chief Executive he ceases to be a member.

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- (3) Where the Chief Executive is appointed as a member the Secretary of State may, on the recommendation of the Commission, appoint another employee of the Commission as a member; and—
- (a) paragraph 5 shall not apply to a person appointed by virtue of this sub-paragraph,
 - (b) the Secretary of State may suspend or terminate an appointment made by virtue of this sub-paragraph if the Chief Executive ceases to be a member, and
 - (c) if a person appointed by virtue of this sub-paragraph ceases to be an employee of the Commission he shall cease to be a member.]

Textual Amendments

- F4** Sch. 2A para. 6A inserted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 1(4)**, 22(1); [S.I. 2006/2630](#), [art. 2\(a\)](#) (with [art. 3](#))

Proceedings

- 7 (1) The Commission may regulate their own procedure and that of any of their committees (and in particular may specify a quorum for meetings).
- (2) The validity of any proceedings of the Commission shall not be affected—
- (a) by any vacancy among the members or in the office of chairman, or
 - (b) by any defect in the appointment or selection of any person as a member or as chairman of the Commission.

Delegation

- 8 (1) Anything authorised or required by or under any enactment to be done by the Commission may be done—
- (a) by any member or employee of the Commission who has been authorised for the purpose, whether generally or specially, by the Commission; or
 - (b) by any committee of the Commission which has been so authorised and whose membership consists of—
 - (i) members of the Commission; or
 - (ii) one or more members of the Commission and one or more employees of the Commission.
- (2) In exercising their functions under sub-paragraph (1), the Commission shall comply with any directions given to them by the Secretary of State.

Duty to give reasons for decisions

- 9 (1) It shall be the duty of the Commission to give to any person affected a written statement of their reasons for any decisions which they may make in the exercise of their functions under sections 5 to 10 or Schedule 3.
- (2) It shall be the duty of the Commission to arrange for the publication, in such manner as they think fit, of a written statement of their reasons—
- (a) for any decision which they may make to grant, or not to grant, to any particular applicant a licence under section 5;

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- (b) for any decision which they may make to revoke a licence granted under section 5; and
 - (c) for any other decision which they may make in the exercise of their functions under sections 5 to 10A or Schedule 3 and which they consider likely to be of interest to the public.
- (3) Sub-paragraphs (1) and (2) do not apply if or to the extent that the giving, or (as the case may be) the publication, of reasons would involve disclosure of information in breach of—
- (a) a restriction imposed by or under any other enactment; or
 - (b) an obligation of confidence.

Finance

- 10 There shall be paid out of money provided by Parliament such sums as are necessary to defray any expenditure of the Commission.

Accounts

- 11 (1) The Commission shall—
- (a) keep proper accounts and proper records in relation to the accounts, and
 - (b) prepare a statement of accounts in respect of each financial year.
- (2) The statement shall comply with any directions that may be given by the Secretary of State as to the information to be contained in such a statement, the manner in which such information is to be presented or the methods and principles according to which such a statement is to be prepared.
- (3) Copies of the statement shall be sent to the Secretary of State and the Comptroller and Auditor General within such period after the end of the financial year to which the statement relates as the Secretary of State may direct.
- (4) The Comptroller and Auditor General shall examine, certify and report on the statement and shall lay copies of the statement and of his report before Parliament.
- (5) The Secretary of State shall not give a direction under this paragraph without the Treasury's approval.
- (6) In this paragraph “financial year” means—
- (a) the period beginning with the coming into force of section 3A and ending with the next 31st March, and
 - (b) each successive period of twelve months ending with 31st March.

Application of seal and evidence

- 12 The application of the seal of the Commission shall be authenticated by the signature—
- (a) of any member of the Commission, or
 - (b) of any other person who has been authorised by the Commission (whether generally or specially) for that purpose.
- 13 A document purporting to be duly executed under the seal of the Commission, or to be signed on behalf of the Commission, shall be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

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14 Paragraphs 12 and 13 do not extend to Scotland.]

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