

Status: Point in time view as at 01/04/1999.

Changes to legislation: National Lottery etc. Act 1993, SCHEDULE 3 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Section 10.

REVOCATION OF LICENCES

PART I

DISCRETIONARY GROUNDS FOR REVOCATION

- 1 A condition in the licence has been contravened.
- 2 Any information given by the licensee to the Director General—
- (a) in or in connection with the application for the licence,
 - (b) in pursuance of a condition in the licence, or
 - (c) in making representations under section 8(2) or Part II of this Schedule,
- was false in a material particular.
- 3 (1) A proposal for a voluntary arrangement under Part I of the ^{M1}Insolvency Act 1986 or Part II of the ^{M2}Insolvency (Northern Ireland) Order 1989 has been made in relation to the licensee.
- (2) A petition for an administration order to be made in respect of the licensee or for the winding up of the licensee has been presented to the court.
- (3) A resolution for the voluntary winding up of the licensee has been passed.
- (4) A receiver or manager of the whole or any part of the licensee's property has been appointed.

Marginal Citations

M1 1986 c. 45.

M2 S.I. 1989/2405 (N.I. 19).

- 4 In the case of a licence granted under section 5—
- (a) the licensee is not providing or proposing to provide facilities that are necessary or desirable for running the National Lottery;
 - (b) any person who is managing the business or any part of the business of running the National Lottery under the licence is not a fit and proper person to do so;
 - (c) any person for whose benefit that business is carried on is not a fit and proper person to benefit from it.
- 5 In the case of a licence granted under section 6—
- (a) the licensee is not taking or proposing to take steps that are necessary or desirable for preventing the commission of fraud by participants in any lottery promoted under the licence;

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- (b) a person who is managing the business or any part of the business of promoting lotteries under the licence is not a fit and proper person to do so;
- (c) a person for whose benefit that business is carried on is not a fit and proper person to benefit from it.

PART II

PROCEDURE AND APPEALS

Notice of proposed revocation

- 6 (1) Where the Director General proposes to revoke a licence, he shall serve a notice on the licensee stating—
- (a) that he proposes to revoke the licence,
 - (b) the ground or grounds for revocation,
 - (c) that the licensee may within the period of twenty-one days beginning with the date of the notice either make written representations about the matter to him or notify him in writing of the licensee's intention to make oral representations,^{F1} . . .
- [^{F2}(cc) that the right of appeal conferred by paragraph 11 is dependent on the licensee having made such written or oral representations, and]
- (d) the effect of sub-paragraph (2).
- (2) If, within the period mentioned in sub-paragraph (1)(c), the Director General receives neither written representations nor written notification of the licensee's intention to make oral representations, the revocation shall take effect at the end of that period.

Textual Amendments

F1 Word in Sch. 3 Pt. II para. 6(1)(c) repealed (2.9.1998) by 1998 c. 22, ss. 4(2), 26, 27(5), Sch. 5 Pt. II.

F2 Sch. 3 Pt. II para. 6(1)(cc) inserted (2.9.1998) by 1998 c. 22, ss. 4(2), 27(5).

Suspension of licence

- 7 (1) The Director General may suspend a licence as from the date of any notice served in respect of it under paragraph 6 if—
- (a) he reasonably believes that the ground or any of the grounds specified in the notice involves fraud by the licensee, or
 - (b) the ground or one of the grounds specified in the notice is the ground set out in paragraph 5(a).
- (2) Where a licence is suspended under this paragraph—
- (a) the suspension shall last until the revocation takes effect or the Director General decides not to revoke the licence [^{F3}or an appeal against the revocation is allowed], and
 - (b) the notice shall inform the licensee accordingly.

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Textual Amendments

F3 Words in [Sch. 3 Pt. II para. 7\(2\)\(a\)](#) substituted (2.9.1998) by [1998 c. 22, ss. 4\(3\), 27\(5\)](#).

Decision by the Director General

- 8 (1) The Secretary of State may make regulations as to the procedure to be followed where a licensee's intention to make oral representations is notified to the Director General as mentioned in paragraph 6(1)(c).
- (2) The regulations may in particular make provision—
- (a) for the revocation of the licence to take effect if the licensee fails to comply with any requirements imposed by or under the regulations, and
 - (b) as to the hearing by the Director General of oral representations.
- 9 (1) If any written representations against the revocation of a licence are made as mentioned in paragraph 6(1)(c) or any oral representations against the revocation of a licence are made in accordance with regulations under paragraph 8, the Director General shall after taking the representations into account—
- (a) decide whether or not to revoke the licence, and
 - (b) serve a further notice on the licensee informing the licensee of his decision and (if the case so requires) of the effect of sub-paragraph (2).
- (2) Where the decision is to revoke the licence, the revocation shall not take effect—
- (a) until the end of such period as may be specified in the further notice, or
 - [^{F4}(b) if the licensee appeals within that period against the revocation and the court makes an order under paragraph 11(2), until such time as is specified in the order,
- whichever is the later.]
- (3) The period specified in the further notice shall be a period of at least twenty-eight days beginning with the date of that notice.

Textual Amendments

F4 [Sch. 3 Pt. II para. 9\(2\)\(b\)](#) substituted (2.9.1998) by [1998 c. 22, ss. 4\(4\), 27\(5\)](#).

Appeals to the Secretary of State

^{F5}10

Textual Amendments

F5 [Sch. 3 Pt. II para. 10](#) repealed (2.9.1998) by [1998 c. 22, ss. 4\(5\), 26, 27\(5\)](#), [Sch. 5 Pt. II](#).

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[^{F6} Appeals]

Textual Amendments

F6 Crossheading and para. 11 in Sch. 3 inserted (2.9.1998) by 1998 c. 22, ss. 4(6), 27(5)

- [^{F7}11 (1) Where the Director General decides under paragraph 9 to revoke a licence, the licensee may appeal against the decision on the grounds—
- (a) that the Director General made an error as to the facts,
 - (b) that there was a material procedural error, or
 - (c) that the Director General made some other error of law.
- (2) Where a licensee appeals under this paragraph, the powers of the court pending the withdrawal or final disposal of the appeal shall include power, on the application of the licensee or the Director General, to make an order, if the court considers it just and equitable to do so in all the circumstances of the case, preventing the revocation taking effect until such time as may be specified in the order.
- (3) An appeal under this paragraph lies to the High Court or, in Scotland, to the Court of Session.
- (4) Any appeal under this paragraph to the Court of Session shall be heard in the Outer House.]

Textual Amendments

F7 Sch. 3Pt. II para. 11 inserted (2.9.1998) by 1998 c. 22, ss. 4(6), 27(5)

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