

## SCHEDULES

### SCHEDULE 7

Section 48.

#### REGISTRATION OF SOCIETIES

#### PART I

##### AMENDMENT OF SCHEDULE 1 TO THE 1976 ACT

- 1 For the heading “Registration of Societies” there shall be substituted “Registration of Societies by Local Authorities”.
- 2 In paragraph 1—
  - (a) sub-paragraph (1) (which requires every application for the registration of a society to be made to the registration authority) shall be omitted, and
  - (b) in sub-paragraph (2) (definition of “registration authority”) for “In this Schedule” there shall be substituted “In this Act”.
- 3 In paragraph 2 (purposes for which the society is established and conducted to be specified in such an application) for “Any such application” there shall be substituted “An application to the registration authority for the registration of a society”.
- 4 After paragraph 3 there shall be inserted—

“3A (1) The registration authority shall refuse or revoke the registration of the society under this Part of this Schedule if the Board have refused or revoked the registration of the society under Schedule 1A below within the last five years.

  - (2) Sub-paragraph (1) above does not apply where the ground for the Board’s refusal or revocation was that specified in paragraph 3(2)(e) of Schedule 1A below.
  - (3) Where the registration authority refuse or revoke the registration of a society under sub-paragraph (1) above, they shall notify the society in writing that they have done so.”
- 5 (1) In paragraph 4 (grounds on which the registration authority have a discretion to refuse or revoke the society’s registration)—
  - (a) for sub-paragraph (1)(a) there shall be substituted—

“(a) that any person who is or will be a person connected with a lottery promoted or proposed to be promoted on behalf of the society has been convicted of an offence to which this paragraph applies; or”
  - (b) after sub-paragraph (1)(b) there shall be inserted—

“; or

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- (c) that any information given by the society to the authority in or in connection with the society’s application for registration was false in a material particular.”
- (c) in sub-paragraph (2) (offences to which paragraph 4 applies) after “an offence under paragraph 14 below” there shall be inserted “, paragraph 14 of Schedule 1A below, paragraph 8 or 9 of Schedule 2 below, paragraph 12 of Schedule 2A below”, and
- (d) after sub-paragraph (2) there shall be added—
- “(3) For the purposes of sub-paragraph (1)(a) above, a person connected with a lottery is a person who is or has been—
- (a) involved in the promotion of the lottery; or
- (b) employed for reward in connection with the promotion of any other lottery on behalf of the same society.”
- (2) After paragraph 4 there shall be inserted—
- “4A The registration authority may, after giving the society an opportunity of being heard, revoke the registration of the society under this Part of this Schedule if it appears to the authority that the society has failed to comply with a requirement imposed on it under paragraph 16 below.”
- 6 In paragraphs 5, 6 and 7 (appeals against refusal or revocation of registration under paragraph 4) for “paragraph 4” there shall be substituted “paragraph 4 or 4A”.
- 7 In paragraph 11 (returns to be made in respect of a society’s lottery) after sub-paragraph (c) there shall be inserted—
- “(cc) whether any expenses were met otherwise than out of proceeds of the lottery and, if so, the amount and source of any sums used to meet them;”.
- 8 In paragraph 12 (return not required in respect of a lottery promoted in accordance with a scheme registered with the Gaming Board) for “promoted in accordance with a scheme registered with the Board” there shall be substituted “if on the date of the lottery the society was registered with the Board under Schedule 1A below”.
- 9 After paragraph 14 there shall be added—
- “15 (1) Where it appears to the registration authority that section 5(3C) above applies to a lottery in respect of which a return has been sent to them under paragraph 11 above, they shall notify the Board in writing of that fact.
- (2) The notification shall have attached to it a copy of the return and of all other returns sent to the registration authority in respect of the earlier lotteries mentioned in section 5(3C)(b) above.
- 16 The registration authority may require a society that is registered under this Part of this Schedule—
- (a) to allow the authority to inspect and take copies of any documents of the society, including any information kept by the society otherwise than in writing, relating to any lottery promoted on behalf of the society; and
- (b) where such information is kept by means of a computer, to give the authority such assistance as they may require to enable them to inspect and take copies of the information in a visible

and legible form and 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.”

## PART II

SCHEDULE TO BE INSERTED IN THE 1976 ACT AFTER SCHEDULE 1

### “SCHEDULE 1A

REGISTRATION OF SOCIETIES BY THE GAMING BOARD

#### PART I

##### REGISTRATION

- 1 An application to the Board for the registration of a society shall—
  - (a) specify the address of the office or head office of the society,
  - (b) specify the purposes for which the society is established and conducted, and
  - (c) have attached to it a copy of any scheme approved by the society under section 5(3)(c) above.
- 2 (1) Subject to the provisions of this Schedule, upon application being duly made on behalf of a society and upon payment of a prescribed fee, the Board shall register the society in a register to be kept for the purposes of section 5 above and notify the society in writing that they have done so.  
(2) Any fees received by the Board by virtue of this paragraph shall be paid into the Consolidated Fund.
- 3 (1) The Board shall refuse or revoke the registration of a society under this Schedule if any scheme attached to its application for registration, or any other scheme subsequently approved by the society under section 5(3)(c) above, is contrary to law.  
(2) The Board may refuse or revoke the registration of a society under this Schedule if it appears to the Board—
  - (a) that the ground specified in paragraph 4(1)(a) or (b) of Schedule 1 above applies;
  - (b) that any information given by the society to the Board in or in connection with the society’s application for registration was false in a material particular;
  - (c) that the address of the office or head office of the society is the same as that of the office or head office of another society that is established for the same or a connected purpose and is registered under this Schedule;
  - (d) that any lottery promoted on behalf of the society within the last five years has not been properly conducted;
  - (e) that any fees payable by the society under this Act have not been paid;
  - (f) that the society has failed to comply with a requirement imposed on it under paragraph 12 below; or

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- (g) that an act or omission of a person who is or will be a person connected with a lottery promoted or proposed to be promoted on behalf of the society was a cause—
    - (i) of the registration of another society being refused or revoked on the ground specified in paragraph (b) or (f) above or under sub-paragraph (5) below;
    - (ii) of the registration of a scheme being refused or revoked on a ground specified in paragraph 3(1)(e) or 4(2)(c) of Schedule 2 below; or
    - (iii) of a relevant lottery, in the promotion of which the person was involved, not being properly conducted.
  - (3) In considering whether sub-paragraph (2)(g) above applies, the Board shall disregard any act or omission that occurred more than five years previously.
  - (4) For the purposes of sub-paragraph (2)(g) above—
    - (a) a person connected with a lottery is a person who is or has been—
      - (i) involved in the promotion of the lottery; or
      - (ii) employed for reward in connection with the promotion of any other lottery on behalf of the same society; and
    - (b) “relevant lottery”, in relation to a society and a person, means a lottery promoted—
      - (i) on behalf of another society that at the time of the person’s involvement with the promotion of the lottery was registered with the Board; or
      - (ii) under a scheme that at the time of the person’s involvement with the promotion of the lottery was registered with the Board.
  - (5) The Board may revoke the registration of a society under this Schedule if it appears to the Board that the society has failed to comply with a requirement imposed on it by or under paragraph 7, 8, 9, 11 or 13 below.
  - (6) The Board shall not refuse or revoke the registration of a society without giving the society an opportunity of being heard.
  - (7) Where the Board refuse or revoke the registration of a society, they shall notify the society and, except in the case of a refusal or revocation on the ground specified in sub-paragraph (2)(e) above, the registration authority in writing of the refusal or revocation and the ground for it.
  - (8) The revocation of the registration of a society under this Schedule shall not have effect in relation to any lottery in respect of which any tickets or chances have already been sold at the date of revocation.
- 4 (1) The Secretary of State may direct the Board—
- (a) to register under this Schedule any society that they have refused to register on any ground mentioned in paragraph 3(2) above; or
  - (b) to restore any registration that the Board have revoked on any ground mentioned in paragraph 3(2) or (5) above;
- and the Board shall give effect to any such direction.
- (2) The Board shall notify the society and the registration authority in writing of any direction that has been given to the Board under sub-paragraph (1) above.

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- (3) The restoration of any registration under sub-paragraph (1) above shall have effect from the date of revocation or such later date as may be specified in the direction.
- 5 The Board shall cancel the registration of a society under this Schedule if the society requests them to do so.
- 6 (1) A society that is registered under this Schedule shall pay to the Board—
- (a) a prescribed fee at such intervals whilst the society is so registered as the Secretary of State may by order direct; and
  - (b) a prescribed fee for each society's lottery promoted on behalf of the society whilst it is so registered.
- (2) Any fees received by the Board by virtue of this paragraph shall be paid into the Consolidated Fund.

## PART II

### INFORMATION

- 7 A society registered under this Schedule shall notify the Board in writing of any change in the address of the society's office or head office within the period of twenty-one days beginning with the day on which the change takes effect.
- 8 (1) A society registered under this Schedule shall notify the Board in writing of any modification of a scheme approved by the society under section 5(3)(c) above.
- (2) A copy of the scheme as modified shall be attached to the notification.
- (3) The notification shall be given to the Board at least four weeks before any tickets or chances in a lottery promoted in accordance with the scheme as modified are sold, distributed or offered for sale.
- (4) In this paragraph references to the modification of a scheme include the substitution for that scheme of another scheme (and references to the scheme as modified are to be read accordingly).
- 9 (1) Where a society is registered under this Schedule on the date of a society's lottery promoted on its behalf, it shall, before the end of the period of three months beginning with that date, send a return in respect of the lottery to the Board.
- (2) The return shall be in such form and contain such information as the Board may direct.
- (3) A direction under sub-paragraph (2) above shall be given in writing and may be varied or revoked by a subsequent direction.
- 10 (1) The Board shall preserve any return sent to them under paragraph 9 above for a period of at least eighteen months, and during that period shall keep it deposited at their office and permit any member of the public to inspect it during office hours on payment of a prescribed fee.
- (2) Any fees received by the Board by virtue of this paragraph shall be paid into the Consolidated Fund.
- 11 (1) A society registered under this Schedule shall preserve all documents of the society, including all information kept by the society otherwise than in writing, relating to

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- a lottery promoted on the society's behalf until the end of the period of two years beginning with the date of the lottery.
- (2) The Board may direct that, subject to such conditions as may be specified in the direction, sub-paragraph (1) above shall not apply to documents or information specified, or of a description specified, in the direction.
- (3) A direction under sub-paragraph (2) above shall be given in writing and may be varied or revoked by a subsequent direction.
- 12 The Board may require a society that is registered or has applied to be registered under this Schedule—
- (a) to provide the Board with such information relating to any lottery promoted or to be promoted on behalf of the society as they may require;
  - (b) to allow the Board to inspect and take copies of any documents of the society, including any information kept by the society otherwise than in writing, relating to such a lottery;
  - (c) where such information is kept by means of a computer, to give the Board such assistance as they may require to enable them to inspect and take copies of the information in a visible and legible form and 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;
  - (d) to allow the Board to inspect any aspect of the management of such a lottery.
- 13 (1) Subject to sub-paragraph (10) below, where the total value of the tickets or chances sold in all lotteries held in any one year and promoted on behalf of the same society is more than £100,000 and any of those lotteries is a lottery to which section 5(3B), (3C) or (3D) above applies, the society shall send to the Board accounts in respect of those lotteries together with a report on the accounts prepared by a qualifying auditor.
- (2) The accounts shall be sent to the Board within ten months of the end of the year in which the lotteries to which they relate were held.
- (3) Accounts under this paragraph shall comply with any directions given by the Board as to the information to be contained in such accounts, the manner in which such information is to be presented or the methods and principles according to which such accounts are to be prepared.
- (4) Any directions under sub-paragraph (3) above shall be given in writing and may be varied or revoked by subsequent directions.
- (5) In sub-paragraph (1) above “qualifying auditor” means a person who—
- (a) is eligible for appointment as a company auditor under section 25 of the Companies Act 1989; and
  - (b) is not disqualified by sub-paragraph (6) below.
- (6) The following persons are disqualified—
- (a) a member of the society;
  - (b) a partner, officer or employee of such a member;
  - (c) a partnership of which a person disqualified by paragraph (a) or (b) above is a member.

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- (7) The auditor’s report on any accounts under this paragraph shall state whether in the auditor’s opinion the accounts have been properly prepared in accordance with any directions given under sub-paragraph (3) above.
  - (8) The auditor shall, in preparing his report, carry out such investigations as will enable him to form an opinion as to—
    - (a) whether proper accounting records have been kept by the society; and
    - (b) whether the society’s accounts are in agreement with the accounting records.
  - (9) If the auditor fails to obtain all the information and explanations that, to the best of his knowledge and belief, are necessary for the purposes of his audit, his report shall state that fact.
  - (10) Sub-paragraph (1) above does not apply to a society in relation to any year if the promotion of every lottery promoted on behalf of the society held in that year is managed by a person certified under Schedule 2A below as a lottery manager.
  - (11) For the purposes of this paragraph a lottery is held in the year in which the date of the lottery falls.
  - (12) In this paragraph “year” means a period of twelve months beginning with 1st January.
- 14 (1) Any person who, in pursuance of a requirement imposed by or under paragraph 7, 9, 12 or 13 above, knowingly or recklessly gives to the Board any information which is false in a material particular shall be guilty of an offence.
- (2) Any person who knowingly or recklessly includes in a report under paragraph 13 above any information which is false in a material particular shall be guilty of an offence.”