

SCHEDULES

SCHEDULE 8

Section 49.

REGISTRATION OF SCHEMES: AMENDMENT OF SCHEDULE 2 TO THE 1976 ACT

- 1 Paragraph 2 (submission of schemes by societies) shall be omitted.
- 2 (1) In paragraph 3(1) (duty of Gaming Board to register a scheme submitted to them)—
- (a) after “this Schedule” there shall be inserted “, and notify the local authority in writing that they have done so,”,
 - (b) paragraph (a) (scheme submitted by a society) shall be omitted,
 - (c) in paragraph (c)(i) for “applicant” there shall be substituted “local authority”,
 - (d) in paragraph (c)(ii) after “payable” there shall be inserted “by the local authority”,
 - (e) paragraph (c)(iii) (duty does not apply where requirements relating to provision of information have not been complied with) shall be omitted,
 - (f) in paragraph (d) (duty does not apply where an unsuitable person will be employed for reward in connection with the promotion of a lottery under the scheme) for “employed for reward in connection with the promotion of” there shall be substituted “a person connected with”, and
 - (g) after paragraph (d) there shall be inserted—
 - “; or
 - (e) except where the Secretary of State otherwise directs, it appears to the Board that the local authority—
 - (i) have given to the Board in or in connection with the authority’s application for registration of the scheme any information which was false in a material particular; or
 - (ii) have failed to comply with a requirement imposed on them under paragraph 6C below; or
 - (f) except where the Secretary of State otherwise directs, it appears to the Board that an act or omission of a person who will be a person connected with a lottery under the scheme was a cause—
 - (i) of the registration of another scheme being refused or revoked on a ground specified in paragraph (e) above or paragraph 4(2)(c) below;
 - (ii) of the registration of a society being refused or revoked on the ground specified in paragraph 3(2) (b) or (f) of Schedule 1A above or under paragraph 3(5) of that Schedule; or

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(iii) of a relevant lottery, in the promotion of which that person was involved, not being properly conducted.”

(2) After paragraph 3(1) there shall be inserted—

“(1A) In considering whether sub-paragraph (1)(f) above applies, the Board shall disregard any act or omission that occurred more than five years previously.

(1B) Where a scheme submitted to the Board under this Schedule is not registered by them, the Board shall notify the local authority concerned in writing of that fact and the reason for it.”

(3) In paragraph 3(2) (“unsuitable person” means a person convicted of one of a specified number of offences) after “an offence under paragraph 14 of Schedule 1 above” there shall be inserted “, paragraph 14 of Schedule 1A above, paragraph 8 or 9 below, paragraph 12 of Schedule 2A below ”.

(4) After paragraph 3(2) there shall be inserted—

“(3) For the purposes of this paragraph and paragraph 4 below—

- (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 under the same scheme; and
- (b) “relevant lottery”, in relation to a scheme and a person, means a lottery promoted—
 - (i) under another scheme that at the time of the person’s involvement with the promotion of the lottery was registered with the Board; or
 - (ii) on behalf of a society that at the time of the person’s involvement with the promotion of the lottery was registered with the Board.”

3 For paragraph 4(1) and (2) there shall be substituted—

“(1) The Board shall revoke the registration of a scheme if it comes to their attention that the scheme has become, or has always been, contrary to law.

(2) The Board may revoke the registration of a scheme—

- (a) on any of the grounds (c), (d) or (e) specified in paragraph 3(1) above;
- (b) if it appears to them that an unsuitable person is a person connected with any lottery under the scheme;
- (c) if it appears to them that the local authority have failed to comply with a requirement imposed on them by or under paragraph 5A, 6, 6B, 6C or 6D below; or
- (d) if it appears to them that an act or omission of a person who is or will be a person connected with a lottery under the scheme was a cause—
 - (i) of the registration of another scheme being refused or revoked on a ground specified in paragraph 3(1)(e) or paragraph (c) above;
 - (ii) of the registration of a society being refused or revoked on the ground specified in paragraph 3(2)(b) or (f) of

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- Schedule 1A above or under paragraph 3(5) of that Schedule; or
- (iii) of a relevant lottery, in the promotion of which that person was involved, not being properly conducted.
- (2A) In considering whether sub-paragraph (2)(d) above applies, the Board shall disregard any act or omission that occurred more than five years previously.”
- 4 After paragraph 4 there shall be inserted—
- “4A Where the Board revoke the registration of a scheme, they shall notify the local authority in writing of the revocation and of the ground for it.
- 4B The Board shall cancel the registration of a scheme if the local authority request them to do so.”
- 5 For paragraph 5(1) there shall be substituted—
- “(1) The Secretary of State may direct the Board to restore any registration that has been revoked under paragraph 4(2) above, and the Board shall give effect to any such direction.
- (1A) The Board shall notify a local authority in writing of any direction that has been given to the Board under sub-paragraph (1) above in relation to a scheme approved by the authority under section 6(2)(b) above.”
- 6 After paragraph 5 there shall be inserted—
- “5A (1) A local authority shall notify the Board in writing of any modification of a scheme approved by the authority under section 6(2)(b) above and registered under this Schedule.
- (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.”
- 7 For paragraph 6 there shall be substituted—
- “6 (1) A local authority shall, before the end of the period of three months beginning with the date of any local lottery promoted by them, 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.
- 6A (1) The Board shall preserve any return sent to them under paragraph 6 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.
- 6B (1) A local authority shall preserve all documents of theirs, including all information kept by them otherwise than in writing, relating to a local lottery

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- promoted by them 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.
- 6C The Board may require a local authority—
- (a) to provide the Board with such information as they may require relating to a local lottery promoted or to be promoted by the authority;
 - (b) to allow the Board to inspect and take copies of any documents of the authority, including any information kept by the authority 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.
- 6D (1) Subject to sub-paragraph (10) below, where the total value of the tickets or chances sold in all local lotteries held in any one financial year and promoted by the same local authority is more than £100,000, the authority shall send to the Board accounts for 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 financial 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 is—
- (a) eligible for appointment as a company auditor under section 25 of the ^{M1}Companies Act 1989;
 - (b) a member of the Chartered Institute of Public Finance and Accountancy; or
 - (c) a firm each of the members of which is a member of that institute; and who is not disqualified by sub-paragraph (6) below.
- (6) The following persons are disqualified—
- (a) a member, officer or employee of the local authority;
 - (b) a partner or employee of such a person;

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- (c) a partnership of which a person disqualified by paragraph (a) or (b) above is a member.
- (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 local authority; and
 - (b) whether the authority’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 local authority in relation to any financial year if the promotion of every local lottery promoted by them 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 financial year in which the date of the lottery falls.
- (12) In this paragraph “financial year” means a period of twelve months beginning with 1st April.”

Marginal Citations

M1 1989 c. 40.

- 8 For paragraph 7(1) there shall be substituted—
- “(1) The following fees shall be payable by a local authority to the Board—
- (a) a prescribed fee on an application for a scheme approved by the authority to be registered under this Schedule;
 - (b) a prescribed fee at such intervals whilst such a scheme is so registered as the Secretary of State may by order direct; and
 - (c) a prescribed fee for each lottery promoted under such a scheme.”
- 9 In paragraph 8 (offence to give false information to the Board) for “paragraph 6” there shall be substituted “ paragraph 6, 6C or 6D ”.
- 10 After paragraph 8 there shall be added—
- “9 A person who knowingly or recklessly includes in a report under paragraph 6D above any information which is false in a material particular shall be guilty of an offence.”

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