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SCHEDULES

SCHEDULE 1

Section 2.

LEGALITY ETC. OF LOTTERIES FORMING PART OF THE NATIONAL LOTTERY

The Gaming Act 1968 (c. 65)

- 1 In section 52(3) of the Gaming Act 1968 (circumstances in which a lottery does not constitute gaming) after “the Lotteries and Amusements Act 1976” there shall be inserted “ or a lottery forming part of the National Lottery for the purposes of Part I of the National Lottery etc. Act 1993, ”.

The Lotteries and Amusements Act 1976 (c. 32)

- 2 (1) In section 1 of the Lotteries and Amusements Act 1976 (illegality of lotteries) after “except as provided by this Act” there shall be added “ and section 2(1) of the National Lottery etc. Act 1993 ”.
- (2) In section 2 of that Act (general lottery offences) at the end of subsection (2) (defences) there shall be added—
- “; or
- (d) that the lottery to which the proceedings relate was a lottery forming part of the National Lottery for the purposes of Part I of the National Lottery etc. Act 1993 or that at the date of the alleged offence the person charged believed, and had reasonable ground for believing, it to be such a lottery.”

The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (S.I. 1985/1204 (N.I. 11))

- 3 (1) In Article 2(3) of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (circumstances in which a lottery does not constitute gaming) after “Article 133, 134 or 135” there shall be inserted “ or a lottery forming part of the National Lottery for the purposes of Part I of the National Lottery etc. Act 1993 ”.
- (2) In Article 131 of that Order (illegality of lotteries) after “Schedule 20” there shall be inserted “ and to section 2(1) of the National Lottery etc. Act 1993 ”.
- (3) In Article 132 of that Order (general lottery offences) at the end of paragraph (2) (defences) there shall be added—
- “; or
- (d) that the lottery to which the proceedings relate was a lottery forming part of the National Lottery for the purposes of Part I of the National Lottery etc. Act 1993 or that at the date of the alleged offence the

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person charged believed, and had reasonable ground for believing, it to be such a lottery.”

^{F1}SCHEDULE 2

Textual Amendments

F1 Sch. 2 repealed (1.4.1999) by 1998 c. 22, ss. 1(2), 26, Sch. 5 Pt. I; S.I. 1999/650, art. 2(c)

^{F2}SCHEDULE 2A

Section 3A.

THE NATIONAL LOTTERY COMMISSION

Textual Amendments

F2 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)

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
- (1) The Commission shall consist of five members, all of whom shall be 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

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such information as the Secretary of State considers necessary for the performance by him of his duties under sub-paragraphs (2) and (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

- 4
- (1) The members of the Commission shall select one of their number to be the chairman of the Commission.
 - (2) A person's term of office as chairman shall be no longer than twelve months.
 - (3) A person may resign as chairman by giving written notice to the other members.
 - (4) If the chairman ceases to be a member he shall also cease to be chairman.
 - (5) A member who ceases to be the chairman shall again become eligible for selection as chairman after the expiration of a period equal to that for which he was last chairman.

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.
 - (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

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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 ^{M5}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

M5 1972 c. 11.

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

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- (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;
 - (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.

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

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 ^{M6}Insolvency Act 1986 or Part II of the ^{M7}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.

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Marginal Citations

- M6** 1986 c. 45.
M7 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;
 - (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,^{F3} . . .
- [^{F4}(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

- F3** 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.
F4 Sch. 3 Pt. II para. 6(1)(cc) inserted (2.9.1998) by 1998 c. 22, ss. 4(2), 27(5).

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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 [^{F5}or an appeal against the revocation is allowed], and
 - (b) the notice shall inform the licensee accordingly.

Textual Amendments

F5 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
 - [^{F6}(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

F6 *Sch. 3 Pt. II para. 9(2)(b)* substituted (2.9.1998) by *1998 c. 22, ss. 4(4), 27(5)*.

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Appeals to the Secretary of State

^{F7}10

Textual Amendments

F7 Sch. 3 Pt. II para. 10 repealed (2.9.1998) by 1998 c. 22, ss. 4(5), 26, 27(5), Sch. 5 Pt. II.

[^{F8} Appeals]

Textual Amendments

F8 Crossheading and para. 11 in Sch. 3 inserted (2.9.1998) by 1998 c. 22, ss. 4(6), 27(5)

- [^{F9}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

F9 Sch. 3Pt. II para. 11 inserted (2.9.1998) by 1998 c. 22, ss. 4(6), 27(5)

[^{F10}SCHEDULE 3A

Section 25B.

JOINT SCHEMES: SUPPLEMENTARY PROVISIONS

Textual Amendments

F10 Sch. 3A inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

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F11 Interpretation

Textual Amendments

F11 Crossheading inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

F12₁ In this Schedule “year” means any period of twelve months.

Textual Amendments

F12 **Sch. 3A para. 1** inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

F13 Authorisation or approval by Secretary of State

Textual Amendments

F13 Crossheading inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

- F14**₂ (1) Where the maximum amount of money which could be distributed under section 25(1) under a particular joint scheme in any year exceeds £15 million, the joint scheme shall not have effect unless the Secretary of State makes an order authorising the scheme.
- (2) Where the maximum amount of money which could be distributed under section 25(1) under a particular joint scheme in any year does not exceed the amount for the time being specified in sub-paragraph (1), the joint scheme shall not have effect unless the Secretary of State gives his written approval.
- (3) In determining for the purposes of this Schedule the maximum amount of money which may be distributed under section 25(1) in any year under a joint scheme, any administrative expenses incurred in distributing such money under the scheme shall be brought into account.
- (4) The Secretary of State shall only—
- (a) make an order under sub-paragraph (1) authorising a joint scheme, or
 - (b) give his approval under sub-paragraph (2) to a joint scheme,
- on an application made for the purpose by the bodies proposing to participate in the joint scheme.
- (5) The Secretary of State may by order amend sub-paragraph (1) so as to increase the amount for the time being specified in that sub-paragraph.
- [The Secretary of State’s functions under sub-paragraphs (1) and (2) shall, in relation
- F15**(6) to any particular joint scheme applying—
- (a) only in Scotland; or
 - (b) in one or more parts of the United Kingdom, including Scotland,
- be treated as exercisable in or as regards Scotland and may be exercised separately.]

Textual Amendments

F14 **Sch. 3A para. 2** inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

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F15 Sch. 3A para. 2(6) added (30.6.1999) by S.I. 1999/1756, arts. 1(1), 2, **Sch. para. 15(12)** (with art. 8); S.I. 1998/3178, **art. 3**

Modifications etc. (not altering text)

C2 Sch. 3A para. 2(1) (as read with Sch. 3A para. 2(6)(a)): transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**

Sch. 3A para. 2(1) (as read with Sch. 3A para. 2(6)(b)): functions amended (1.7.1999) by S.I. 1999/1750, arts. 1(1), 4, **Sch. 3** (with art. 7); S.I. 1998/3178, **art. 3**

Sch. 3A para. 2(1): transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

Sch. 3A para. 2(1): functions amended (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**

C3 Sch. 3A para. 2(2) (as read with Sch. 3A para. 2(6)(a)): transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**

Sch. 3A para. 2(2) (as read with Sch. 3A para. 2(6)(b)): functions amended (1.7.1999) by S.I. 1999/1750, arts. 1(1), 4, **Sch. 3** (with art. 7); S.I. 1998/3178, **art. 3**

Sch. 3A para. 2(2): transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

Sch. 3A para. 2(2): functions amended (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**

^{F16}Contents of authorisations and approvals

Textual Amendments

F16 Crossheading inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

^{F173} An order under paragraph 2(1) or an approval under paragraph 2(2) shall—

- (a) contain a brief description of the nature and purposes of the joint scheme,
- (b) identify the area within the United Kingdom to which the scheme applies,
- (c) specify the maximum amount of money which may be distributed under section 25(1) in any year under the scheme,
- (d) identify the bodies participating in the scheme,
- (e) state the proportions in which the money to be distributed under section 25(1) under the scheme is attributable to each of those bodies, and
- (f) state the duration of the scheme, if its duration is limited.

Textual Amendments

F17 Sch. 3A para. 3 inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

^{F18}Effect of increasing annual limit on schemes authorised by order

Textual Amendments

F18 Crossheading inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

^{F194} Where—

- (a) a joint scheme is authorised by an order under sub-paragraph (1) of paragraph 2, and
- (b) that sub-paragraph is amended by an order under sub-paragraph (5) of that paragraph, and

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- (c) the maximum amount of money which may be distributed under section 25(1) in any year under the scheme does not exceed the amount specified in paragraph 2(1) as so amended,

the scheme shall be treated for the purposes of this Schedule as if the maximum amount of money which may be distributed under section 25(1) in any year under the scheme continued to exceed the amount for the time being specified in paragraph 2(1).

Textual Amendments

F19 Sch. 3A para. 4 inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

^{F20} Powers

Textual Amendments

F20 Crossheading inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

- ^{F21}5 (1) The powers conferred by section 25A may, in particular, be exercised by a body for the purpose of running or otherwise participating in a joint scheme.
- (2) The powers conferred on a body by section 25B and this Schedule are in addition to, and shall not derogate from, any powers which the body has apart from that section and this Schedule.

Textual Amendments

F21 Sch. 3A para. 5 inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

^{F22} Modification

Textual Amendments

F22 Crossheading inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

- ^{F23}6 (1) A joint scheme may be modified by the bodies participating in the scheme, but if any such modifications—
- (a) in the opinion of the Secretary of State, substantially alter the nature or purposes of the scheme,
 - (b) alter the area within the United Kingdom to which the scheme applies,
 - (c) increase the maximum amount of money which may be distributed under section 25(1) in any year under the scheme,
 - (d) vary the proportions in which the money to be distributed under section 25(1) under the scheme is attributable to each of the bodies participating in the scheme, or
 - (e) extend the duration of the scheme,

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the scheme shall not have effect with those modifications unless the Secretary of State makes an order under paragraph 2(1) or, as the case may require, gives his approval under paragraph 2(2) in relation to the scheme as so modified.

- (2) In determining for the purposes of sub-paragraph (1) whether the case requires an order under paragraph 2(1) or approval under paragraph 2(2), paragraph 4 shall be disregarded.

Textual Amendments

F23 Sch. 3A para. 6 inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

^{F24}Termination

Textual Amendments

F24 Crosshading inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

- ^{F257} (1) If, in the case of a joint scheme authorised by an order under paragraph 2(1), the Secretary of State revokes the order, the scheme shall terminate on the date on which the revocation takes effect.
- (2) If, in the case of a joint scheme approved under paragraph 2(2), the Secretary of State gives notice of withdrawal of his approval to each body participating in the scheme, the scheme shall terminate on the date on which the withdrawal of approval takes effect.
- (3) The Secretary of State may terminate a joint scheme in accordance with sub-paragraph (1) or (2)—
- (a) of his own motion, or
 - (b) on the application of one or more of the bodies participating in the scheme.

Textual Amendments

F25 Sch. 3A para. 7 inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

Modifications etc. (not altering text)

- C4** Sch. 3A para. 7(1): transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1
Sch. 3A para. 7(1): functions amended (1.7.1999) by S.I. 1999/672, art. 5, Sch. 2
- C5** Sch. 3A para. 7(2): transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1
Sch. 3A para. 7(2): functions amended (1.7.1999) by S.I. 1999/672, art. 5, Sch. 2

^{F26}Orders under s.29(1): participant ceasing to be distributing body

Textual Amendments

F26 Crosshading inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

Status: Point in time view as at 01/10/1999.

Changes to legislation: National Lottery etc. Act 1993 is up to date with all changes known to be in force on or before 30 June 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)

- ^{F27}8 (1) This paragraph applies in any case where an order under section 29(1) affects a body which, immediately before the order comes into force, is participating in a joint scheme.
- (2) In any such case, the Secretary of State may by order under section 29(1)—
- (a) make provision amending the joint scheme, or
 - (b) revoke the joint scheme.
- (3) The provision that may be made by virtue of sub-paragraph (2)(a) includes—
- (a) provision varying the bodies participating in the joint scheme;
 - (b) provision varying the proportions in which the money to be distributed under section 25(1) under the scheme is attributable to each of the bodies participating in the joint scheme; and
 - (c) provision for all or any of the actual or contingent rights or liabilities of a body which are attributable to the joint scheme to become rights or liabilities of another body participating in the scheme as amended.
- (4) No provision shall be made by virtue of sub-paragraph (2)(a) without the written agreement of the bodies which, if the provision were made, would be the participants in the joint scheme as amended.
- (5) This paragraph is without prejudice to section 60(5) or paragraph 9.

Textual Amendments

F27 Sch. 3A para. 8 inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

^{F28} *Authorisation to continue payments despite occurrence of certain events*

Textual Amendments

F28 Crossheading inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

- ^{F29}9 (1) This paragraph applies in any case where—
- (a) on an application for a distribution of money under section 25(1), a decision under a joint scheme to make such a distribution has been notified to the applicant, but
 - (b) an event falling within sub-paragraph (2) (“the relevant event”) occurs before the whole of the distribution has been made.
- (2) The events which fall within this sub-paragraph are—
- (a) that, by virtue of an order under section 29(1), any of the bodies participating in the scheme ceases to be specified in subsection (1), (2), (3) or (4) (as the case may be) of section 23,
 - (b) that the joint scheme terminates under paragraph 7, or
 - (c) that the joint scheme is revoked under paragraph 8(2)(b).
- (3) Where this paragraph applies, the Secretary of State may authorise any of the bodies which were participating in the joint scheme immediately before the relevant event occurred to continue making distributions of money under section 25(1) in pursuance

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of the decision mentioned in sub-paragraph (1)(a) as if the relevant event had not occurred.

- (4) Where the Secretary of State gives an authorisation under sub-paragraph (3) in relation to any distributions of money under section 25(1), the other provisions of this Act shall have effect in relation to those distributions as if the relevant event had not occurred.
- (5) An authorisation under this paragraph accordingly extends to the defrayal of any administrative expenses incurred in making the distributions concerned.
- (6) This paragraph is without prejudice to section 60(5) or paragraph 8.
- (7) Any authorisation under this paragraph must be in writing.]

Textual Amendments

F29 Sch. 3A para. 9 inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

SCHEDULE 4

Section 36.

AMENDMENT OF THE NATIONAL HERITAGE ACT 1980 (C.17)

- 1 In section 1(2) (constitution of the Trustees of the National Heritage Memorial Fund) for “ten” there shall be substituted “fourteen”.
- 2 In section 2 (payments into the National Heritage Memorial Fund) after subsection (1) there shall be inserted—
“(1A) The Trustees shall pay into the Fund any sums paid to them under section 24 of the National Lottery etc. Act 1993.”

^{F30}3

Textual Amendments

F30 Sch. 4 para. 3 repealed (4.3.1998) by 1997 c. 14, s. 3, Sch. Pt. I para. 6; S.I. 1998/292, art. 2.

^{F31}4

Textual Amendments

F31 Sch. 4 para. 4 repealed (4.3.1998) by 1997 c. 14, s. 3, Sch. Pt. I para. 6; S.I. 1998/292, art. 2.

- 5 In section 6(2) (investment of sums paid into the National Heritage Memorial Fund under section 2(1)) after “section 2(1)” there shall be inserted “or (1A)”.
- 6 In section 17 (expenses and receipts) after “and” there shall be inserted “subject to section 3(6A) above”.
- 7 In paragraph 5(1) of Schedule 1 (expenses of Trustees to be defrayed out of the National Heritage Memorial Fund) for “under this Act shall” there shall be substituted “may”.

Status: Point in time view as at 01/10/1999.

Changes to legislation: National Lottery etc. Act 1993 is up to date with all changes known to be in force on or before 30 June 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)

SCHEDULE 5

Section 37.

THE NATIONAL LOTTERY CHARITIES BOARD

Membership

- 1 (1) The Charities Board shall consist of [^{F32}a chairman and twenty-one other members], all of whom shall be appointed by the Secretary of State.
- (2) The Secretary of State may by order increase the number of members for the time being specified in sub-paragraph (1).

Textual Amendments

F32 Words in [Sch. 5 para. 1\(1\)](#) substituted (26.7.1995) by [S.I. 1995/1645, art. 2](#).

Modifications etc. (not altering text)

C6 [Sch. 5 para. 1\(1\)](#): functions amended (1.7.1999) by [S.I. 1999/672, art. 5, Sch. 2](#)

Committees

- 2 (1) The Charities Board shall establish four committees for the purpose of exercising the Board’s functions in relation to applications by charities for grants in respect of appropriate activities in England, Scotland, Wales and Northern Ireland respectively.
- (2) In sub-paragraph (1)—
- “appropriate activities” means activities in relation to which the Charities Board consider it appropriate to delegate their functions to a committee established under that sub-paragraph, and
- “charities” includes institutions such as are mentioned in paragraph (b) of the definition of “charitable expenditure” in section 44(1).
- (3) Subject to sub-paragraph (1), any function of the Charities Board may be exercised by any committee of theirs authorised by them (whether generally or specially) for that purpose.

^{F33}(4)

^{F33}(5)

^{F33}(6)

[^{F34}(7) Subsection (7) of section 25A shall apply in relation to any committee of the Charities Board as it applies in relation to a committee appointed under subsection (6) of that section.]

Textual Amendments

F33 [Sch. 5 para. 2\(4\)-\(6\)](#) repealed (2.7.1998) by [1998 c. 22, ss. 11\(5\), 26, Sch. 5 Pt. II](#).

F34 [Sch. 5 para. 2\(7\)](#) inserted (2.7.1998) by [1998 c. 22, ss. 11\(5\), 27\(4\)](#).

Status: Point in time view as at 01/10/1999.

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Tenure of office

- 3 (1) Subject to the following provisions of this paragraph, a person shall hold and vacate office as chairman or other member of the Charities Board ^{F35} . . . in accordance with the terms of his appointment.
- (2) The Secretary of State shall not appoint a person to hold office as a member of the Charities Board ^{F35} . . . for a term of more than five years.
- (3) A chairman or member of the Charities Board ^{F35} . . . may at any time resign his office by notice in writing addressed to the Secretary of State.
- (4) A member of the Charities Board ^{F35} . . . may be removed from office by the Secretary of State on the ground that—
- (a) he has been absent for a period longer than three consecutive months from meetings of the Board without the Board’s consent [^{F36}or from meetings of a committee of the Board without the committee’s consent],
 - (b) a bankruptcy order has been made against him or his estate has been sequestrated or he has made a composition or arrangement with, or granted a trust deed for, his creditors, or
 - (c) he is unable or unfit to discharge the functions of his office.
- (5) If a chairman of the Charities Board ^{F35} . . . ceases to be a member of the Board he shall also cease to be chairman.
- (6) A person who ceases, otherwise than by virtue of sub-paragraph (4), to be a member or chairman of the Charities Board ^{F35} . . . shall be eligible for re-appointment.

Textual Amendments

F35 Words in [Sch. 5 para. 3\(1\)-\(6\)](#) repealed (2.7.1998) by [1998 c. 22, s. 26, Sch. 5 Pt. II](#).

F36 Words in [Sch. 5 para. 3\(4\)\(a\)](#) substituted (2.7.1998) by [1998 c. 22, s. 11\(6\)](#).

Remuneration and allowances

- 4 (1) The Charities Board may pay—
- (a) such remuneration to their chairman and [^{F37}any other member of the Board], and
 - (b) such travelling and other allowances to their chairman and any other member of the Board or any committee of theirs,
- as the Secretary of State may determine.
- (2) Where the Secretary of State so determines in the case of a holder of the office of chairman of the Charities Board [^{F38}, or in the case of any other member of the Charities Board,] the Charities Board 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 hold office as chairman of the Charities Board [^{F39},

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or ceasing to be a member of the Charities Board,] to receive compensation, the Charities Board may pay to him such compensation as the Secretary of State may determine.

^{F40}(4)

Textual Amendments

F37 Words in **Sch. 5 para. 4(1)(a)** substituted (2.9.1998) by 1998 c. 22, **ss. 14(3)**, 27(5).
F38 Words in **Sch. 5 para. 4(2)** substituted (2.9.1998) by 1998 c. 22, **ss. 14(4)**, 27(5).
F39 Words in **Sch. 5 para. 4(3)** substituted (2.9.1998) by 1998 c. 22, **ss. 14(5)**, 27(5).
F40 **Sch. 5 para. 4(4)** repealed (2.9.1998) by 1998 c. 22, **ss. 14(6)**, 26, 27(5), **Sch. 5 Pt. II**.

Staff

5 ^{F41}(1) Subject to any directions under section 26(3), the Charities Board may appoint such staff as they think fit, on such terms and conditions of service as they think fit.]

- (2) [^{F42}Subject to any directions under section 26(3),] the Charities Board may ^{F43} . . . —
- (a) pay such pensions, allowances or gratuities to or in respect of any persons who have been or are members of their staff as they may determine;
 - (b) make such payments as they may determine towards the provision of pensions, allowances or gratuities to or in respect of any such persons;
 - (c) provide and maintain such schemes as they may determine (whether contributory or not) for the payment of pensions, allowances or gratuities to or in respect of any such persons.

(3) Any reference in sub-paragraph (2) to pensions, allowances or gratuities to or in respect of any such persons as are mentioned in that sub-paragraph includes pensions, allowances or gratuities by way of compensation to or in respect of any members of the Charities Board’s staff who suffer loss of office or employment.

^{F44}(4)

Textual Amendments

F41 **Sch. 5 para. 5(1)** substituted (2.9.1998) by 1998 c. 22, **ss. 14(8)**, 27(5).
F42 Words in **Sch. 5 para. 5(2)** inserted (2.9.1998) by 1998 c. 22, **ss. 14(9)(a)**, 27(5).
F43 Words in **Sch. 5 para. 5(2)** repealed (2.9.1998) by 1998 c. 22, **ss. 14(9)(b)**, 26, 27(5), **Sch. 5 Pt. II**.
F44 **Sch. 5 para. 5(4)** repealed (2.9.1998) by 1998 c. 22, **ss. 14(10)**, 26, 27(5), **Sch. 5 Pt. II**.

Proceedings

6 (1) Subject to the provisions of this Schedule, the Charities Board may regulate their own procedure and that of any of their committees (and in particular may specify a quorum for meetings).

(2) The quorum for meetings of any committee of the Charities Board shall not be less than three.

^{F45}(3)

Status: Point in time view as at 01/10/1999.

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- (4) The validity of any proceedings of the Charities Board shall not be affected by any vacancy among their members, or by any defect in the appointment of any person as chairman or a member.

Textual Amendments

F45 Sch. 5 para. 6(3) repealed (2.7.1998) by 1998 c. 22, s. 26, Sch. 5 Pt. II.

Application of seal and evidence

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

Finance

- 9 Until such time as the Secretary of State considers that the sums paid to the Charities Board under section 24 are sufficient to enable them to meet under section 25(3) the expenses incurred by them in exercising their functions under this Act, he shall pay to the Charities Board such sums as are necessary to defray those expenses.

Status of the Board

- 10 The Charities Board shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

Parliamentary disqualification

- 11 (1) In the ^{M8}House of Commons Disqualification Act 1975, in Part III of Schedule 1 (other disqualifying offices), the following entry shall be inserted at the appropriate place—
“Chairman of the National Lottery Charities Board and any chairman of a committee of that Board.”
- (2) The same entry shall be inserted at the appropriate place in Part III of Schedule 1 to the ^{M9}Northern Ireland Assembly Disqualification Act 1975.

Marginal Citations

M8 1975 c. 24.

M9 1975 c. 25.

Status: Point in time view as at 01/10/1999.

Changes to legislation: National Lottery etc. Act 1993 is up to date with all changes known to be in force on or before 30 June 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)

Exemption from register of charities

- 12 In Schedule 2 to the ^{M10}Charities Act 1993 (which lists the institutions that so far as they are charities are exempt charities within the meaning of that Act) there shall be added at the end—
- “(zb) the National Lottery Charities Board.”

Marginal Citations

M10 1993 c. 10.

SCHEDULE 6

Section 40.

THE MILLENNIUM COMMISSION

Membership

- 1 (1) The Millennium Commission shall consist of nine members appointed by Her Majesty on the recommendation of the Prime Minister, of whom—
- (a) two shall be Ministers of the Crown, and
 - (b) one shall be a person nominated by the Leader of the Opposition.
- (2) Her Majesty shall, on the recommendation of the Prime Minister, appoint one of the members who are Ministers of the Crown to be chairman.
- (3) In this paragraph “the Leader of the Opposition” means the member of the House of Commons who is the leader in that House of the party in opposition to Her Majesty’s Government that has the greatest numerical strength in that House.
- (4) If any doubt arises (whether in relation to this paragraph or in relation to paragraph 5) as to—
- (a) who is or was the Leader of the Opposition at any time, or
 - (b) which is or was the party in opposition to Her Majesty’s Government that has or had the greatest numerical strength in the House of Commons at any time,
- the question shall be decided by the Speaker of the House of Commons, whose decision shall be final.
- 2 (1) Subject to sub-paragraph (2), after 31st December 2000 the Secretary of State may by order—
- (a) reduce the total number of members of the Millennium Commission for the time being specified in paragraph 1(1);
 - (b) substitute the following for paragraph 1(1)(a)—

“(a) one shall be a Minister of the Crown, and”.
- (2) An order under sub-paragraph (1) shall not—
- (a) reduce the total number of members of the Millennium Commission to less than three, or
 - (b) result in more than one third of the members being Ministers of the Crown.

Status: Point in time view as at 01/10/1999.

Changes to legislation: National Lottery etc. Act 1993 is up to date with all changes known to be in force on or before 30 June 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)

Tenure of office

- 3 Subject to paragraphs 4 and 5, a person shall hold and vacate office as chairman or a member of the Millennium Commission in accordance with the terms of his appointment.
- 4 (1) A chairman or member may at any time resign his office by notice in writing addressed to Her Majesty.
- (2) Her Majesty may remove a person from office as a member on the ground that—
- (a) he has been absent from meetings of the Millennium Commission for a period longer than three consecutive months without the Commission's consent,
 - (b) a bankruptcy order has been made against him or his estate has been sequestered or he has made a composition or arrangement with, or granted a trust deed for, his creditors, or
 - (c) he is unable or unfit to discharge the functions of a member.
- (3) If a chairman ceases to be a member he shall also cease to be chairman.
- (4) A person who ceases to be a member, otherwise than by virtue of sub-paragraph (2), or ceases to be chairman shall be eligible for re-appointment.
- 5 The member referred to in paragraph 1(1)(b) shall cease to hold office if the party by the leader of which he was nominated ceases to be the party in opposition to Her Majesty's Government that has the greatest numerical strength in the House of Commons.

Allowances

- 6 The Millennium Commission may pay such travelling and other allowances to their members as the Secretary of State may, with the Treasury's approval, determine.

Staff

- 7 (1) The Millennium Commission may appoint such staff as they may determine with the Secretary of State's approval as to numbers and terms and conditions of service.
- (2) The Millennium Commission may with the Secretary of State's approval—
- (a) pay such pensions, allowances or gratuities to or in respect of any persons who have been or are members of their staff as they may determine;
 - (b) make such payments as they may determine towards the provision of pensions, allowances or gratuities to or in respect of any such persons;
 - (c) provide and maintain such schemes as they may determine (whether contributory or not) for the payment of pensions, allowances or gratuities, to or in respect of any such persons.
- (3) Any reference in sub-paragraph (2) to pensions, allowances or gratuities to or in respect of any such persons as are mentioned in that sub-paragraph includes pensions, allowances or gratuities by way of compensation to or in respect of any members of the Millennium Commission's staff who suffer loss of office or employment.
- (4) The Secretary of State shall not give an approval under this paragraph without the Treasury's consent.

Status: Point in time view as at 01/10/1999.

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Proceedings

- 8 (1) Subject to the provisions of this Schedule, the Millennium Commission may regulate their own procedure (and in particular may specify a quorum for meetings).
- (2) The validity of any proceedings of the Millennium Commission shall not be affected by any vacancy among their members, or by any defect in the appointment of any person as a member.

Application of seal and evidence

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

Finance

- 11 Until such time as the Secretary of State considers that the sums paid to the Millennium Commission under section 24 are sufficient to enable them to meet under section 25(3) the expenses incurred by them in exercising their functions under this Act, he shall pay to the Millennium Commission such sums as are necessary to defray those expenses.

Status of the Millennium Commission

- 12 The Millennium Commission shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- 13 In Schedule 1 to the ^{M11}Public Records Act 1958 (definition of public records), the following entry shall be inserted at the appropriate place in Part II of the Table at the end of paragraph 3—
“ Millennium Commission. ”

Marginal Citations

M11 1958 c. 51.

[^{F46}SCHEDULE 6A

Section 43A.

THE NEW OPPORTUNITIES FUND

Textual Amendments

F46 Sch. 6A inserted (2.7.1998) by 1998 c. 22, s. 7(3), Sch. 2.

Status: Point in time view as at 01/10/1999.

Changes to legislation: National Lottery etc. Act 1993 is up to date with all changes known to be in force on or before 30 June 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)

F47 Membership

Textual Amendments

F47 Crossheading inserted (2.7.1998) by 1998 c. 22, s. 7(3), **Sch. 2**.

- F48**¹ (1) The New Opportunities Fund shall consist of a chairman and not less than 8 nor more than 12 other members, all of whom shall be appointed by the Secretary of State.
- (2) Four of the members of the New Opportunities Fund (other than the chairman) shall be persons who appear to the Secretary of State to be suited to make the interests of England, Scotland, Wales and Northern Ireland, respectively, their special care.
- (3) The Secretary of State may by order amend sub-paragraph (1) so as to vary any number for the time being specified in that sub-paragraph.

Textual Amendments

F48 Sch. 6A para. 1 inserted (2.7.1998) by 1998 c. 22, s. 7(3), **Sch. 2**.

Modifications etc. (not altering text)

C7 Sch. 6A para. 1: functions amended (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**

C8 Sch. 6A para. 1(1): functions amended (1.7.1999) by S.I. 1999/1750, arts. 1(1), 4, **Sch. 3**; S.I. 1998/3178, **art. 3**

C9 Sch. 6A para. 1(2): functions amended (1.7.1999) by S.I. 1999/1750, arts. 1(1), 4, **Sch. 3**; S.I. 1998/3178, **art. 3**

F49 Committees

Textual Amendments

F49 Crossheading inserted (2.7.1998) by 1998 c. 22, s. 7(3), **Sch. 2**.

- F50**² Subsection (7) of section 25A shall apply in relation to any committee of the New Opportunities Fund as it applies in relation to a committee appointed under subsection (6) of that section.

Textual Amendments

F50 Sch. 6A para. 2 inserted (2.7.1998) by 1998 c. 22, s. 7(3), **Sch. 2**.

F51 Tenure of office

Textual Amendments

F51 Crossheading inserted (2.7.1998) by 1988 c. 22, s. 7(3), **Sch. 2**.

Status: Point in time view as at 01/10/1999.

Changes to legislation: National Lottery etc. Act 1993 is up to date with all changes known to be in force on or before 30 June 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)

- ^{F52}3 (1) Subject to the following provisions of this paragraph, a person shall hold and vacate office as chairman or other member of the New Opportunities Fund in accordance with the terms of his appointment.
- (2) The Secretary of State shall not appoint a person to hold office as a member of the New Opportunities Fund for a term of more than five years.
- (3) A chairman or member of the New Opportunities Fund may at any time resign his office by notice in writing addressed to the Secretary of State.
- (4) A member of the New Opportunities Fund may be removed from office by the Secretary of State on the ground that—
- (a) he has been absent for a period longer than three consecutive months from meetings of the Fund without the Fund's consent,
 - (b) a bankruptcy order has been made against him, or his estate has been sequestrated, or he has made a composition or arrangement with, or granted a trust deed for, his creditors, or
 - (c) he is unable or unfit to discharge the functions of his office.
- (5) If a chairman of the New Opportunities Fund ceases to be a member of the Fund he shall also cease to be chairman.
- (6) A person who ceases, otherwise than by virtue of sub-paragraph (4), to be a member or chairman of the New Opportunities Fund shall be eligible for re-appointment.

Textual Amendments

F52 Sch. 6A para. 3 inserted (2.7.1998) by 1998 c. 22, s. 7(3), Sch. 2.

^{F53}Remuneration and allowances

Textual Amendments

F53 Crossheading inserted (2.7.1998) by 1998 c. 22, s. 7(3), Sch. 2.

- ^{F54}4 (1) The New Opportunities Fund may pay—
- (a) such remuneration to their chairman and any other member of the Fund, and
 - (b) such travelling and other allowances to their chairman, any other member of the Fund and any member of a committee of theirs,
- as the Secretary of State may determine.
- (2) Where the Secretary of State so determines in the case of a holder of the office of chairman of the New Opportunities Fund, or in the case of any other member of the Fund, the Fund 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 hold office as chairman of the New Opportunities Fund,

Status: Point in time view as at 01/10/1999.

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or ceasing to be a member of the Fund, to receive compensation, the Fund may pay to him such compensation as the Secretary of State may determine.

Textual Amendments

F54 Sch. 6A para. 4 inserted (2.7.1998) by 1998 c. 22, s. 7(3), Sch. 2.

F55 Staff

Textual Amendments

F55 Crossheading inserted (2.7.1998) by 1998 c. 22, s. 7(3), Sch. 2.

- F56**5 (1) Subject to any directions under section 26(3), the New Opportunities Fund may appoint such staff as they think fit, on such terms and conditions of service as they think fit.
- (2) Subject to any directions under section 26(3), the New Opportunities Fund may—
- (a) pay such pensions, allowances or gratuities to or in respect of any persons who have been or are members of their staff as they may determine;
 - (b) make such payments as they may determine towards the provision of pensions, allowances or gratuities to or in respect of any such persons;
 - (c) provide and maintain such schemes as they may determine (whether contributory or not) for the payment of pensions, allowances or gratuities to or in respect of any such persons.
- (3) Any reference in sub-paragraph (2) to pensions, allowances or gratuities to or in respect of any such persons as are mentioned in that sub-paragraph includes pensions, allowances or gratuities by way of compensation to or in respect of any members of the New Opportunities Fund's staff who suffer loss of office or employment.

Textual Amendments

F56 Sch. 6A para. 5 inserted (2.7.1998) by 1998 c. 22, s. 7(3), Sch. 2.

F57 Proceedings

Textual Amendments

F57 Crossheading inserted (2.7.1998) by 1998 c. 22, s. 7(3), Sch. 2.

- F58**6 (1) Subject to the provisions of this Schedule, the New Opportunities Fund 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 New Opportunities Fund shall not be affected by any vacancy among their members, or by any defect in the appointment of any person as chairman or a member.

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Textual Amendments

F58 Sch. 6A para. 6 inserted (2.7.1998) by 1998 c. 22, s. 7(3), Sch. 2.

F59 Application of seal and evidence

Textual Amendments

F59 Crossheading inserted (2.7.1998) by 1998 c. 22, s. 7(3), Sch. 2.

- F60**⁷ The application of the seal of the New Opportunities Fund shall be authenticated by the signature—
- (a) of any member of the Fund, or
 - (b) of any other person who has been authorised by the Fund (whether generally or specially) for that purpose.

Textual Amendments

F60 Sch. 6A para. 7 inserted (2.7.1998) by 1998 c. 22, s. 7(3), Sch. 2.

- F61**⁸ A document purporting to be duly executed under the seal of the New Opportunities Fund or to be signed on their behalf shall be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

Textual Amendments

F61 Sch. 6A para. 8 inserted (2.7.1998) by 1998 c. 22, s. 7(3), Sch. 2.

F62 Status of New Opportunities Fund

Textual Amendments

F62 Crossheading inserted (2.7.1998) by 1998 c. 22, s. 7(3), Sch. 2.

- F63**⁹ The New Opportunities Fund shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

Textual Amendments

F63 Sch. 6A para. 9 inserted (2.7.1998) by 1998 c. 22, s. 7(3), Sch. 2.

- F64**¹⁰ In Schedule 1 to the ^{M12}Public Records Act 1958 (definition of public records) the following entry shall be inserted at the appropriate place in Part II of the Table at the end of paragraph 3—
“New Opportunities Fund.”

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Textual Amendments

F64 Sch. 6A para. 10 inserted (2.7.1998) by 1998 c. 22, s. 7(3), Sch. 2.

Marginal Citations

M12 1958 c. 51.

F65 Application to Scotland

Textual Amendments

F65 Crossheading inserted (2.7.1998) by 1998 c. 22, s. 7(3), Sch. 2.

[Paragraphs 7 and 8 do not extend to Scotland.]
F66 11

Textual Amendments

F66 Sch. 6A para. 11 inserted (2.7.1998) by 1998 c. 22, s. 7(3), Sch. 2.

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.

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- (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
- (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—

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- “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.

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- (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
 - (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;
 - (i) 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.

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- (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.
- (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.

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- (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 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—

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- (a) is eligible for appointment as a company auditor under section 25 of the ^{M13}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.
- (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.”

Marginal Citations

M13 1989 c. 40.

Marginal Citations

M13 1989 c. 40.

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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
 - (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.

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(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 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.”

Status: Point in time view as at 01/10/1999.

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- 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 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.

Status: Point in time view as at 01/10/1999.

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- (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 ^{M14}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;
 - (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.

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- (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

M14 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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SCHEDULE 9

Section 50.

SCHEDULE TO BE INSERTED IN THE 1976 ACT AFTER SCHEDULE 2

“SCHEDULE 2A

LOTTERY MANAGERS

PART I

CERTIFICATION

Application and fee

- 1 (1) An application for a person to be certified as a lottery manager shall be made to the Board.
- (2) The application shall be in such form and contain such information as the Board may require.
- (3) A fee of £2,000 shall be payable to the Board when the application is made.
- (4) Any fees received by the Board by virtue of this paragraph shall be paid into the Consolidated Fund.

Grant or refusal of certificate

- 2 (1) Subject to sub-paragraphs (2) and (3) below, on the making of an application and the payment of a fee in accordance with paragraph 1 above, the Board shall grant a certificate to the applicant certifying him as a lottery manager.
- (2) The Board shall refuse to grant the certificate if, after giving the applicant an opportunity of being heard, they are not satisfied that he is a fit and proper person to manage a lottery.
- (3) The Board may refuse to grant the certificate if, after giving the applicant an opportunity of being heard, it appears to them that—
 - (a) any person who would be likely to manage the business or any part of the business of managing lotteries under the certificate is not a fit and proper person to do so,
 - (b) any person for whose benefit that business would be likely to be carried on is not a fit and proper person to benefit from it, or
 - (c) any information given by the applicant to the Board in or in connection with the application is false in a material particular.
- (4) Where the Board refuse to grant a certificate, they shall notify the applicant in writing of the refusal and the ground for it.

Conditions

- 3 A certificate may include such conditions as the Board consider appropriate for protecting the interests—
 - (a) of any societies or local authorities whose lotteries the certificate holder may manage, or

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- (b) of the persons who participate in any lottery that the certificate holder may manage.
- 4 (1) The Board may, after giving the certificate holder an opportunity of being heard, vary any condition in a certificate.
- (2) The Board's power to vary a condition in a certificate under this paragraph includes power to add a condition to the certificate or omit a condition from it (and references in this paragraph to the variation of a condition are to be read accordingly).
- (3) Where the Board vary a condition under this paragraph they shall serve a notice on the certificate holder, by post, informing him—
- (a) of the variation, and
- (b) of the effect of sub-paragraph (4) below.
- (4) The variation shall take effect at the end of the period of twenty-one days beginning with the date of service of the notice.

Duration of certificate

- 5 A certificate shall have effect until it is revoked by the Board.

Revocation of certificate

- 6 The Board may revoke a certificate if the certificate holder consents.
- 7 (1) The Board shall revoke a certificate if, after giving the certificate holder an opportunity of being heard, they are satisfied that he is no longer, or never was, a fit and proper person to manage a lottery.
- (2) The Board may revoke a certificate if, after giving the certificate holder an opportunity of being heard, it appears to them that—
- (a) any person who is managing the business or any part of the business of managing lotteries under the certificate is not a fit and proper person to do so,
- (b) any person for whose benefit the business of managing lotteries under the certificate is carried on is not a fit and proper person to benefit from it,
- (c) any information given by the certificate holder to the Board in or in connection with the application for the certificate was false in a material particular, or
- (d) the certificate holder has failed to comply with a condition in the certificate or with a requirement imposed on him by or under this Act.
- (3) Where the Board revoke a certificate under this paragraph they shall serve a notice on the certificate holder, by post, informing him—
- (a) of the revocation,
- (b) of the ground for the revocation, and
- (c) of the effect of sub-paragraph (4) below.
- (4) The revocation shall take effect at the end of the period of twenty-one days beginning with the date of service of the notice.

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PART II

INFORMATION

- 8 (1) A certificate holder shall preserve all documents of his, including all information kept by him otherwise than in writing, relating to the management of a society's lottery or a local lottery 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.
- 9 The Board may require a certificate holder—
- (a) to provide the Board with such information relating to the management of a society's lottery or a local lottery as they may require;
- (b) to allow the Board to inspect and take copies of any documents of the certificate holder, including any information kept by him otherwise than in writing, relating to the management of 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.
- 10 Where a certificate holder is a company to which section 241 of the ^{M15}Companies Act 1985 (directors' duty to lay and deliver accounts) applies, the company shall, immediately after copies of its accounts for a financial year have been laid before it under that section, send a copy of its profit and loss account for that year and the related auditors' report to the Board.
- 11 (1) A certificate holder to whom paragraph 10 above does not apply shall, in respect of each year in which he holds a certificate, send to the Board a profit and loss account of his business of managing lotteries under the certificate together with a report on the account prepared by a qualifying auditor.
- (2) The account shall be sent to the Board within ten months of the end of the year to which it relates.
- (3) An account under this paragraph shall comply with any directions given by the Board as to the information to be contained in such an account, the manner in which such information is to be presented or the methods and principles according to which such an account is 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 ^{M16}Companies Act 1989, and
- (b) is not disqualified by sub-paragraph (6) below.

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- (6) The following persons are disqualified—
- (a) the certificate holder;
 - (b) where the certificate holder is an unincorporated body of persons, any of those persons;
 - (c) a partner, officer or employee of the certificate holder or a person disqualified by paragraph (b) above;
 - (d) a partner or employee of a person disqualified by paragraph (c) above;
 - (e) a partnership of which any person disqualified by paragraph (a), (b) or (c) above is a member.
- (7) The auditor’s report on an account under this paragraph shall state whether in the auditor’s opinion the account has 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 certificate holder, and
 - (b) whether the certificate holder’s account is 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) In this paragraph “year” means a period of twelve months beginning with 1st January.
- 12 (1) A person who, in pursuance of a requirement imposed on him by or under paragraph 9, 10 or 11 above, knowingly or recklessly gives to the Board any information which is false in a material particular shall be guilty of an offence.
- (2) A person who knowingly or recklessly includes in a report under paragraph 11 above any information which is false in a material particular shall be guilty of an offence.”

Marginal Citations

M15 1985 C. 6.

M16 1989 C. 40.

SCHEDULE 10

Section 64.

REPEALS

Commencement Information

II [Sch. 10](#) wholly in force at 3.5.1994; [Sch. 10](#) not in force at Royal Assent see [s. 65](#); provisions in [Sch. 10](#) relating to the Revenue Act 1898 and the National Heritage Act 1980 in force at 21.12.1993 by [S.I. 1993/2632](#), [art. 3](#); [Sch. 10](#) in force at 3.5.1994 in so far as not already in force by [S.I. 1994/1055](#), [art. 2](#).

Chapter

Short title

Extent of repeal

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61 & 62 Vict. c. 46.	The Revenue Act 1898.	Section 1 so far as it applies in the British Islands outside the United Kingdom and section 6(2).
1976 c. 32.	The Lotteries and Amusements Act 1976.	In section 5(3), paragraph (d) and the word “and” immediately preceding it. Section 9. In section 13(4), the words “or of section 11(6) or (8) above”. In section 18(1), at the end of paragraph (e) the word “and”. In Schedule 1, paragraph 1(1). In Schedule 2, paragraphs 2 and 3(1)(a) and (c)(iii).
1980 c. 17.	The National Heritage Act 1980.	In section 3(6)(d), the words from “acting” to “1979”.

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