



National Lottery Act 1998

1998 CHAPTER 22

PART I

PROVISIONS RELATING TO THE NATIONAL LOTTERY

Licensees

3 Appeals against financial penalties

After section 10A of the 1993 Act (financial penalties for breach of conditions of licences) there shall be inserted—

“10B Appeals against financial penalties

- (1) Where the Director General decides under subsection (9) of section 10A to impose a financial penalty on a person, the person may appeal against the decision on the grounds specified in subsection (2) or, as the case may be, subsection (3).
- (2) To the extent that an appeal under this section is against a finding by the Director General that a person contravened a condition of a licence, the grounds for the appeal are—
 - (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.
- (3) To the extent that an appeal under this section is against the amount of a financial penalty, the grounds for the appeal are—
 - (a) that the amount of the penalty is unreasonable,
 - (b) that there was a material procedural error, or
 - (c) that the decision was based on a manifest material misapprehension as to the facts.

Status: This is the original version (as it was originally enacted).

- (4) Where on an appeal under this section a court reduces the amount of a financial penalty, the powers of the court shall include power to make such orders as to interest on the penalty as the court considers just and equitable in all the circumstances of the case.
- (5) The power conferred by subsection (4) includes power to make orders as to—
 - (a) the rates of interest which are to apply, and
 - (b) the date from which interest is to run.
- (6) An appeal under this section lies to the High Court or, in Scotland, to the Court of Session.
- (7) Any appeal under this section to the Court of Session shall be heard in the Outer House.”