



National Lottery Act 1998

1998 CHAPTER 22

PART I

PROVISIONS RELATING TO THE NATIONAL LOTTERY

Licensees

5 Access by Comptroller and Auditor General to documents etc

(1) Section 33 of the 1993 Act (accounts of Secretary of State and National Debt Commissioners) shall be amended as follows.

(2) After subsection (3) there shall be inserted—

“(4) For the purpose of exercising his examination function in relation to any accounts prepared under subsection (1), the Comptroller and Auditor General—

- (a) shall have a right of access at all reasonable times to any documents which he reasonably requires which are in the custody or under the control of any section 5 licensee; and
- (b) shall have a right to require from any officer or employee of any section 5 licensee, or from the auditors of any section 5 licensee, an explanation of, or information relating to, any such documents;

but a section 5 licensee shall not, by virtue only of this subsection, be a body to which section 6 of the National Audit Act 1983 applies.

(5) For the purpose of—

- (a) exercising his examination function in relation to any accounts prepared under subsection (1), or
- (b) deciding whether, or to what extent, to exercise any right conferred by subsection (4),

Status: This is the original version (as it was originally enacted).

the Comptroller and Auditor General shall have regard to any information which the Director General has obtained from any section 5 licensee and which is relevant to the exercise of that function.

- (6) Where, in exercising his examination function in relation to any accounts prepared under subsection (1), the Comptroller and Auditor General obtains any information which gives him grounds to believe that a section 5 licensee has, or may have, contravened any of the conditions of its licence under section 5, the Comptroller and Auditor General shall as soon as practicable disclose that information to the Director General.
- (7) A section 5 licensee shall be under a duty—
- (a) to permit the Comptroller and Auditor General to exercise the right conferred by subsection (4)(a); and
 - (b) to do all that may be reasonably practicable to secure that any person who under subsection (4)(b) is required to provide an explanation of, or information relating to, any document complies with that requirement;
- and any breach of that duty shall be actionable at the suit of the Comptroller and Auditor General.
- (8) The right of access to documents conferred by subsection (4)(a) includes a right to take copies of or make extracts from documents.
- (9) In this section any reference to documents includes a reference to information held by means of a computer or in any other electronic form; and in the case of information so held the right of access conferred by subsection (4)(a) includes a right of access to, and to take copies of, that information in a visible and legible form.
- (10) In this section—
- “examination function”, in relation to the Comptroller and Auditor General, means his function under subsection (3);
 - “section 5 licensee” means a body which holds or has held a licence under section 5.”

- (3) This section has effect in relation to accounts prepared under section 33(1) of the 1993 Act so far as they relate to periods beginning on or after 1st April 1999.