



# Horserace Betting and Olympic Lottery Act 2004

## 2004 CHAPTER 25

### PART 3

#### NATIONAL LOTTERY: OLYMPIC LOTTERIES

##### *Miscellaneous*

#### **34 Consequential amendments, &c.**

- (1) The National Lottery etc. Act 1993 (c. 39) shall have effect subject to this section.
- (2) In section 4 (overriding duties)—
  - (a) a reference to functions under Part I of that Act shall be treated as including a reference to functions under this Part of this Act <sup>F1</sup>...
  - [<sup>F2</sup>(aa) a reference to the Secretary of State, in relation to functions under this Part of this Act, shall be treated as including a reference to the Paymaster General, and]
  - (b) the definition in subsection (3) of “the net proceeds of the National Lottery” shall be treated as including a reference to sums paid into the Olympic Lottery Distribution Fund by virtue of section 24 of this Act.
- (3) For section 5(6) (payments by licensee) substitute—
  - “(6) A licence under this section shall include a condition requiring the licensee to pay into the National Lottery Distribution Fund sums out of the proceeds of lotteries forming part of the National Lottery.
  - (6A) A licence under this section shall include provision for determining—
    - (a) the amount of payments under subsection (6), and
    - (b) the timing of payments under subsection (6).”

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*Status: Point in time view as at 22/08/2007. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Horseshoe Betting and Olympic Lottery Act 2004, Section 34. (See end of Document for details)*

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- (4) In the case of a licence granted under section 5 before the coming into force of subsection (3) above, the condition included in accordance with section 5(6) shall, after that time, be construed as if any sum required to be paid by that condition were required to be paid into the National Lottery Distribution Fund (subject to section 24 of this Act).
- (5) For section 9(3) (enforcement of conditions) substitute—
- “(3) Where a sum is due to be paid to the National Lottery Distribution Fund by virtue of section 5(6)—
- (a) the sum shall be recoverable by the Secretary of State as a debt due to the Fund, and
- (b) the licensee’s liability to pay shall not be affected by his licence ceasing to have effect.”
- (6) For section 10A(14) (breach of licence condition: financial penalty: recovery) substitute—
- “(14) Where under this section one person (“the debtor”) becomes liable to pay a penalty to another person (“the creditor”)—
- (a) the penalty and any interest accrued under subsection (13) shall be recoverable by the Secretary of State from the debtor as a debt due to the creditor, and
- (b) the debtor’s liability to pay shall not be affected by his licence ceasing to have effect.
- (15) A penalty under this section may be payable partly to the National Lottery Distribution Fund and partly to the Olympic Lottery Distribution Fund.”
- (7) In section 11 (directions by Secretary of State to National Lottery Commission)
- [<sup>F3</sup>(a)] the reference to the functions of the Commission under sections 5 to 10A of that Act shall be treated as including a reference to the functions of the Commission under or in accordance with this Part.[<sup>F4</sup>and]
- [<sup>F5</sup>(b)] the reference to the Secretary of State, in relation to the functions of the Commission under or in accordance with this Part, shall be treated as a reference to the Secretary of State or the Paymaster General.]
- ( 8 ) In section 21 (National Lottery Distribution Fund) subsection (2) (payments in by Secretary of State) shall cease to have effect.
- (9) In section 22 (apportionment of National Lottery Distribution Fund: saving)—
- ( a ) in subsection (1) for “under section 21(2)” substitute “by virtue of section 5(6) or 10A ” ,
- ( b ) omit subsection (3)(e), and
- ( c ) at the end of subsection (4) add “ and to section 25 of the Horseshoe Betting and Olympic Lottery Act 2004. ”
- ( 10 ) Section 30 (winding up of millennium fund) shall cease to have effect.
- ( 11 ) Section 33 (accounts) shall apply in relation to the Olympic Lottery Distribution Fund as it applies in relation to the National Lottery Distribution Fund—
- [<sup>F6</sup>(za) taking the reference to the Secretary of State as a reference to the Secretary of State or the Paymaster General,]

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- (a) taking the reference to section 32 of that Act as a reference to section 27 of this Act, and
- (b) with any other necessary modifications.

#### Textual Amendments

- F1** Word in s. 34(2)(a) omitted (22.8.2007) by virtue of Transfer of Functions (Olympics and Paralympics) Order 2007 (S.I. 2007/2129), art. 1(2), **Sch. para. 4(2)** (with art. 4)
- F2** S. 34(2)(aa) inserted (22.8.2007) by Transfer of Functions (Olympics and Paralympics) Order 2007 (S.I. 2007/2129), art. 1(2), **Sch. para. 4(2)** (with art. 4)
- F3** Words in s. 34(7) renumbered as s. 34(7)(a) (22.8.2007) by Transfer of Functions (Olympics and Paralympics) Order 2007 (S.I. 2007/2129), art. 1(2), **Sch. para. 4(3)(a)** (with art. 4)
- F4** Word in s. 34(7)(a) inserted (22.8.2007) by Transfer of Functions (Olympics and Paralympics) Order 2007 (S.I. 2007/2129), art. 1(2), **Sch. para. 4(3)(b)** (with art. 4)
- F5** S. 34(7)(b) inserted (22.8.2007) by Transfer of Functions (Olympics and Paralympics) Order 2007 (S.I. 2007/2129), art. 1(2), **Sch. para. 4(3)(c)** (with art. 4)
- F6** S. 34(11)(za) inserted (22.8.2007) by Transfer of Functions (Olympics and Paralympics) Order 2007 (S.I. 2007/2129), art. 1(2), **Sch. para. 4(4)** (with art. 4)

#### Commencement Information

- I1** S. 34(1)-(5)(7)(8)(9)(a)(b)(10)(11) in force at 8.4.2005 by S.I. 2005/1134, **art. 2**
- I2** S. 34(6)(9)(c) in force at 8.7.2005 by S.I. 2005/1831, **art. 2**

**Status:**

Point in time view as at 22/08/2007. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Horserace Betting and Olympic Lottery Act 2004, Section 34.