



# Horserace Betting and Olympic Lottery Act 2004

## 2004 CHAPTER 25

### PART 1

#### SALE OF THE TOTE

##### *Operation of successor company*

#### **5 Pre-sale issue of shares, &c. to government**

- (1) The successor company shall comply with any request of the Secretary of State to issue securities to—
  - (a) the Secretary of State, or
  - (b) a person nominated by the Secretary of State.
- (2) A request under subsection (1) may include provision about—
  - (a) the nature and nominal value of securities to be issued;
  - (b) timing;
  - (c) terms of issue.
- (3) A request under subsection (1) requiring the issue of shares shall specify the nominal value of the shares to be issued; and the shares—
  - (a) shall be issued as fully paid,
  - (b) shall be treated for the purposes of the Companies Act 1985 (c. 6) as having been paid up by virtue of payment of their nominal value in cash, and
  - (c) shall be treated for the purposes of the Corporation Tax Acts as if they had been issued wholly in consideration of a subscription of an amount equal to their nominal value.
- (4) A debenture issued in accordance with a request under subsection (1) shall be treated for the purposes of the Corporation Tax Acts as if it had been issued wholly in

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*Status: This is the original version (as it was originally enacted).*

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consideration of a loan of an amount equal to the principal sum payable under the debenture.

- (5) A request under subsection (1)—
  - (a) may be made before, on or after the appointed day, but
  - (b) may not be made after the successor company has ceased to be wholly owned by the Crown.
- (6) The Secretary of State shall not make a request under subsection (1) without the consent of the Treasury.
- (7) Where a security is issued in accordance with a request under subsection (1) to the Secretary of State or his nominee, neither the Secretary of State nor his nominee may dispose of the security without the consent of the Treasury.