
STATUTORY INSTRUMENTS

1994 No. 1170

**The National Lottery (Revocation of
Licences) Procedure Regulations 1994**

PART III

APPEALS TO THE SECRETARY OF STATE

Application of Part III

11. This Part of these Regulations applies with respect to an appeal by the licensee to the Secretary of State against the revocation of a licence.

Notice of appeal

12.—(1) An appeal to the Secretary of State shall be made by serving (within the period referred to in paragraph 9(2)(a) of Schedule 3) a notice of appeal on the Secretary of State.

(2) A notice of appeal shall state—

- (a) the name and address of the licensee;
- (b) the disputed revocation of the licence, the date of the notice referred to in paragraph 9(1)(b) of Schedule 3 and the date when the period mentioned in paragraph 9(2)(a) of Schedule 3 ends;
- (c) full particulars of the grounds of appeal; and
- (d) whether or not the licensee requires a hearing to be held;

and shall be signed by or on behalf of the licensee.

(3) The Secretary of State shall send a copy of the notice of appeal to the Director General.

Representations by the Director General

13.—(1) The Director General may make written representations to the Secretary of State relating to the appeal within seven days of the date on which the copy of the notice of appeal was sent to him.

(2) The Secretary of State shall send a copy of any written representations made by the Director General pursuant to paragraph (1) above to the licensee.

Power to require particulars

14. The Secretary of State may at any time direct either the licensee or the Director General to furnish any particulars which appear to him to be requisite for the determination of the appeal within such time as the Secretary of State may allow, being not less than seven days.

Hearings

15.—(1) If the licensee states in the notice of appeal that he does not require a hearing to be held, the Secretary of State may determine an appeal without a hearing.

(2) If the licensee states in his notice of appeal that he does require a hearing to be held, the Secretary of State shall arrange for a hearing to be conducted by—

- (a) a person appointed by the Secretary of State; or
- (b) an officer of the Secretary of State.

Notice of hearing

16. The Secretary of State shall send a written notice to the licensee and the Director General of the date, time and place fixed for the holding of the hearing and of the name of the person conducting the hearing; such notice shall be sent at least seven days before the date so fixed.

Admission to hearing

17.—(1) Subject to the provisions of this regulation, a hearing shall be held in public.

(2) The person conducting the hearing may direct that the whole or any part of a hearing be held in private if he is satisfied that by reason of—

- (a) the likelihood of disclosure of intimate personal or financial circumstances;
- (b) the likelihood of disclosure of commercially sensitive information or information obtained in confidence; or
- (c) exceptional circumstances not falling within sub-paragraph (a) or (b) above;

it is just and reasonable for him to do so.

(3) Where the hearing is in private the person conducting the hearing may admit such persons as he considers appropriate.

(4) Notwithstanding the provisions of paragraph (2) above, a member of the Council on Tribunals or of the Scottish Committee of that Council may be present in his capacity as such even though the hearing or part of the hearing is not in public.

Appearance at hearing

18. The licensee and the Director General shall be entitled to appear at the hearing. The licensee may be represented by any person whom it may appoint for the purpose and the Director General may do so on his own behalf or be represented by any person whom he may appoint for the purpose.

Procedure at hearing

19.—(1) Except as otherwise provided in these Regulations, the person conducting the hearing shall determine the procedure at the hearing.

(2) The licensee and the Director General shall be entitled to give evidence, to call witnesses, to cross examine witnesses and to address the person conducting the hearing both on the evidence and generally on the subject matter of the appeal.

(3) The person conducting the hearing may from time to time adjourn the hearing.

Default of appearance at hearing

20. If either party, having been duly notified of the hearing pursuant to regulation 16 above, fails to appear at the hearing the person conducting the hearing may—

- (a) adjourn the hearing; or
- (b) proceed to hear the other party, and in that event the Secretary of State may determine the appeal without hearing oral representations from the party who has failed to appear at the hearing.

Appointed person's report

21. Where the person conducting the hearing is a person appointed by the Secretary of State pursuant to regulation 15(2)(a) above he shall take into account representations made and evidence produced in the course of the hearing and give to the Secretary of State a reasoned report in writing thereon.

Reasons

22. The Secretary of State shall send to the licensee and the Director General a written statement of his decision on the appeal and of his reasons (in summary form). He shall at the same time send to the licensee and the Director General a copy of any report referred to in regulation 21 above.