



National Lottery etc. Act 1993

1993 CHAPTER 39

PART I

AUTHORISATION AND REGULATION OF THE NATIONAL LOTTERY

Preliminary

1 The National Lottery.

- (1) In this Act “the National Lottery” means all the lotteries that form part of the National Lottery, taken as a whole.
- (2) A lottery forms part of the National Lottery if the following conditions are satisfied.
- (3) The lottery must be promoted or proposed to be promoted—
 - (a) by the [^{F1}person] licensed to run the National Lottery under section 5, or
 - (b) in pursuance of an agreement that has been made between that [^{F2}person] and the lottery’s promoter or proposed promoter.
- (4) The promotion of the lottery must be authorised by a licence that has been granted to its promoter or proposed promoter under section 6.

Textual Amendments

- F1** Word in s. 1(3)(a) substituted (1.10.2006) by [National Lottery Act 2006 \(c. 23\), ss. 3\(a\), 22\(1\)](#); S.I. 2006/2630, art. 2(a)
- F2** Word in s. 1(3)(b) substituted (1.10.2006) by [National Lottery Act 2006 \(c. 23\), ss. 3\(a\), 22\(1\)](#); S.I. 2006/2630, art. 2(a)

^{F3}2 Legality of lotteries forming part of the National Lottery.

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Changes to legislation: National Lottery etc. Act 1993, Cross Heading: Preliminary is up to date with all changes known to be in force on or before 25 April 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments
F3 S. 2 repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\), s. 358\(1\), Sch. 17](#) (with ss. 352, 354); [S.I. 2006/3272, art. 2\(4\)\(5\), Sch. 3B](#) (with arts. 7-12, Sch. 4) (as inserted by [S.I. 2007/2169, arts. 3, 6, Sch.](#))

^{F4}3

Textual Amendments
F4 S. 3 repealed (1.4.1999) by [1998 c. 22, ss. 1\(2\), 26, Sch. 5 Pt. I](#); [S.I. 1999/650, art. 2](#).

^{F5}3A **The [^{F6}Gambling] Commission.**

^{F7}(1)

(2) Schedule 2A makes provision in relation to the [^{F8}Gambling] Commission.]

Textual Amendments
F5 S. 3A inserted (1.4.1999) by [1998 c. 22, s. 1\(3\)](#); [S.I. 1999/650, art. 2](#) .
F6 Word in s. 3A heading substituted (1.10.2013) by [The Public Bodies \(Merger of the Gambling Commission and the National Lottery Commission\) Order 2013 \(S.I. 2013/2329\), art. 1\(2\), Sch. para. 2\(a\)](#) (with art. 8, Sch. para. 43)
F7 S. 3A(1) omitted (1.10.2013) by virtue of [The Public Bodies \(Merger of the Gambling Commission and the National Lottery Commission\) Order 2013 \(S.I. 2013/2329\), art. 1\(2\), Sch. para. 2\(b\)](#) (with art. 8, Sch. para. 43)
F8 Word in s. 3A(2) inserted (1.10.2013) by [The Public Bodies \(Merger of the Gambling Commission and the National Lottery Commission\) Order 2013 \(S.I. 2013/2329\), art. 1\(2\), Sch. para. 2\(c\)](#) (with art. 8, Sch. para. 43)

4 Overriding duties of the Secretary of State and Director General.

- (1) The Secretary of State and (subject to any directions he may be given by the Secretary of State under section 11) the Director General shall each exercise his functions under this Part in the manner he considers the most likely to secure—
 - (a) that the National Lottery is run, and every lottery that forms part of it is promoted, with all due propriety, and
 - (b) that the interests of every participant in a lottery that forms part of the National Lottery are protected.
- (2) Subject to subsection (1), the Secretary of State and the Director General shall each in exercising those functions do his best to secure that the net proceeds of the National Lottery are as great as possible.
- (3) In subsection (2) “the net proceeds of the National Lottery” means the sums that are paid to the Secretary of State by virtue of section 5(6).

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Modifications etc. (not altering text)

- C1 S. 4 modified (8.4.2005) by [Horse Race Betting and Olympic Lottery Act 2004 \(c. 25\)](#), ss. **34(2)**, 40; [S.I. 2005/1134](#), art. 2
- C2 S. 4 functions made partly exercisable concurrently (22.8.2007) by [The Transfer of Functions \(Olympics and Paralympics\) Order 2007 \(S.I. 2007/2129\)](#), arts. 1(2), **3(1)(2)(a)(i)** (with art. 4)

^{F9}4A Consultation with Gambling Commission

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Textual Amendments

- F9 S. 4A repealed (1.10.2013) by [The Public Bodies \(Merger of the Gambling Commission and the National Lottery Commission\) Order 2013 \(S.I. 2013/2329\)](#), art. 1(2), **Sch. para. 3** (with art. 8, Sch. para. 43)

[^{F10}4B Disclosure of information

- (1) The Commissioners for Her Majesty's Revenue and Customs may disclose information to the [^{F11}Gambling] Commission [^{F12}for use in the exercise of its national lottery functions].
- (2) The [^{F13}Gambling] Commission may disclose information [^{F14}received by it in the exercise of its national lottery functions] to the Commissioners for Her Majesty's Revenue and Customs.
- (3) Information disclosed under this section shall not be further disclosed except in accordance with subsection (4).
- (4) Information may be further disclosed—
 - (a) for the purpose of complying with an enactment,
 - (b) in pursuance of an order of a court,
 - (c) for the purpose of legal proceedings connected with the operation of an enactment relating to lotteries,
 - (d) with the consent of the Commissioners for Her Majesty's Revenue and Customs,
 - (e) with the consent of each person to whom the information relates, or
 - (f) to [^{F15}the Comptroller and Auditor General] for the purposes of the exercise of functions under Part II of the National Audit Act 1983 (c. 44).
- (5) This section has effect despite any prohibition or restriction that would otherwise prevent disclosure of information.
- [^{F16}(6) In this section “national lottery functions” means functions conferred or imposed under or by virtue of—
 - (a) a provision of this Act other than section 10C, and
 - (b) Part 3 of the Horse Race Betting and Olympic Lottery Act 2004.]

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Textual Amendments

- F10** Ss. 4B, 4C inserted (1.10.2006) by National Lottery Act 2006 (c. 23), **ss. 2, 22(1)**; S.I. 2006/2630, art. 2(a)
- F11** Word in s. 4B(1) substituted (1.10.2013) by The Public Bodies (Merger of the Gambling Commission and the National Lottery Commission) Order 2013 (S.I. 2013/2329), art. 1(2), **Sch. para. 4(a)** (with art. 8, Sch. para. 43)
- F12** Words in s. 4B(1) inserted (1.10.2013) by The Public Bodies (Merger of the Gambling Commission and the National Lottery Commission) Order 2013 (S.I. 2013/2329), art. 1(2), **Sch. para. 4(b)** (with art. 8, Sch. para. 43)
- F13** Word in s. 4B(2) substituted (1.10.2013) by The Public Bodies (Merger of the Gambling Commission and the National Lottery Commission) Order 2013 (S.I. 2013/2329), art. 1(2), **Sch. para. 4(a)** (with art. 8, Sch. para. 43)
- F14** Words in s. 4B(2) inserted (1.10.2013) by The Public Bodies (Merger of the Gambling Commission and the National Lottery Commission) Order 2013 (S.I. 2013/2329), art. 1(2), **Sch. para. 4(c)** (with art. 8, Sch. para. 43)
- F15** Words in s. 4B(4)(f) substituted (1.4.2012) by Budget Responsibility and National Audit Act 2011 (c. 4), s. 29, **Sch. 5 para. 17**; S.I. 2011/2576, art. 5
- F16** S. 4B(6) inserted (1.10.2013) by The Public Bodies (Merger of the Gambling Commission and the National Lottery Commission) Order 2013 (S.I. 2013/2329), art. 1(2), **Sch. para. 4(d)** (with art. 8, Sch. para. 43)

4C Wrongful disclosure

- (1) This section applies to a person—
 - (a) who is or was an officer or employee of the [^{F17}Gambling] Commission, or
 - (b) who acts or acted on behalf of the [^{F18}Gambling] Commission.
- (2) A person to whom this section applies commits an offence if he discloses information received from the Commissioners for Her Majesty's Revenue and Customs in contravention of section 4B(3) and the information relates to a person whose identity—
 - (a) is specified in the disclosure, or
 - (b) can be deduced from it.
- (3) It is a defence for a person charged with an offence under this section of disclosing information to prove that he reasonably believed—
 - (a) that the disclosure was lawful, or
 - (b) that the information had already and lawfully been made available to the public.
- (4) A person guilty of an offence under this section shall be liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both, or
 - (b) on summary conviction, to imprisonment for a term not exceeding [^{F19}the general limit in a magistrates' court], to a fine not exceeding the statutory maximum or to both.
- (5) In relation to a conviction occurring before [^{F20}2 May 2022] the reference in subsection (4)(b) to [^{F21}the general limit in a magistrates' court] shall have effect as if it were a reference to six months.

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- (6) In the application of this section to Scotland or Northern Ireland the reference in subsection (4)(b) to 12 months shall be taken as a reference to six months.]

Textual Amendments

- F10** Ss. 4B, 4C inserted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 2, 22(1)**; S.I. 2006/2630, art. 2(a)
- F17** Word in s. 4C(1)(a) substituted (1.10.2013) by [The Public Bodies \(Merger of the Gambling Commission and the National Lottery Commission\) Order 2013 \(S.I. 2013/2329\)](#), art. 1(2), **Sch. para. 5** (with art. 8, Sch. para. 43)
- F18** Word in s. 4C(1)(b) substituted (1.10.2013) by [The Public Bodies \(Merger of the Gambling Commission and the National Lottery Commission\) Order 2013 \(S.I. 2013/2329\)](#), art. 1(2), **Sch. para. 5** (with art. 8, Sch. para. 43)
- F19** Words in s. 4C(4)(b) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1**
- F20** Words in s. 4C(5) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), **Sch. Pt. 1**
- F21** Words in s. 4C(5) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5-6A substituted for s. 5 6 by [2006 c. 23 Sch. 1 para. 4](#) (Section 6 provides for Schedule 1 to be commenced by an order under that section rather than under the normal commencement provision (section 22). In particular, it requires the order to be subject to negative resolution procedures. Schedule 1 is to be commenced in this different way to reflect the intention that the Secretary of State will not commence Schedule 1 immediately but only if she considers that the current licensing structure has failed in creating an effective competition for the licence under section 5 of the 1993 Act to run the National Lottery and so risks failing to maximise returns to good causes.)
- s. 7(3A) inserted by [2006 c. 23 Sch. 1 para. 5\(5\)](#) (Section 6 provides for Schedule 1 to be commenced by an order under that section rather than under the normal commencement provision (section 22). In particular, it requires the order to be subject to negative resolution procedures. Schedule 1 is to be commenced in this different way to reflect the intention that the Secretary of State will not commence Schedule 1 immediately but only if she considers that the current licensing structure has failed in creating an effective competition for the licence under section 5 of the 1993 Act to run the National Lottery and so risks failing to maximise returns to good causes.)