



# National Lottery etc. Act 1993

## 1993 CHAPTER 39

### PART I

#### AUTHORISATION AND REGULATION OF THE NATIONAL LOTTERY

##### *Miscellaneous and supplementary*

#### **16 False representations as to the National Lottery**

- (1) If a person advertising, or offering the opportunity to participate in, a lottery, competition or game of another description gives, by whatever means, a false indication that it is a lottery forming part of, or is otherwise connected with, the National Lottery, he shall be guilty of an offence.
- (2) A person guilty of an offence under this section shall be liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both.

#### **17 Extension of powers of Horserace Totalisator Board**

- (1) The Horserace Totalisator Board may hold a licence under section 5 or 6.
- (2) The Horserace Totalisator Board may hold an interest in a body corporate the only or principal object of which is the holding of a licence under section 5 or 6.
- (3) In subsection (2) the reference to holding an interest in a body corporate is to holding, or being beneficially entitled to, shares in that body or to possessing voting power in that body.

## 18 Control of betting on the National Lottery

- (1) Schedule 1 to the Betting, Gaming and Lotteries Act 1963 (bookmaker's permits, betting agency permits and betting office licences) shall be amended in accordance with subsections (2) to (4).
- (2) In paragraph 15(e) (application for grant or renewal of bookmaker's or betting agency permit must be refused if a similar application has been refused under paragraph 16(1)(a) or 17(b) within preceding twelve months) after "16(1)(a)" and after "17(b)" there shall be inserted "or 18A".
- (3) After paragraph 18 there shall be inserted—
  - "18A (1) In the case of an application for the renewal of a bookmaker's permit or a betting agency permit, the appropriate authority shall refuse the application if they are satisfied that the applicant or an employee of his has, since the permit was granted, received or negotiated a bet on the outcome of any lottery forming part of the National Lottery for the purposes of Part I of the National Lottery etc. Act 1993.
  - (2) For the purposes of sub-paragraph (1) above, the appropriate authority shall disregard any bet which ought properly to have been raised by way of objection on a previous occasion when the permit was renewed."
- (4) In paragraph 27(4) (grounds on which bookmaker's permit may be cancelled) after paragraph (b) there shall be inserted—
 

"; or

  - (c) the authority are satisfied that the holder of the permit or an employee of his has, since the permit was granted, received or negotiated a bet on the outcome of any lottery forming part of the National Lottery for the purposes of Part I of the National Lottery etc. Act 1993."
- (5) The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 shall be amended in accordance with subsections (6) to (8).
- (6) In Article 8(4) (grounds on which an application for a bookmaker's licence must be refused) in sub-paragraph (d) after "(e)" there shall be inserted "or in Article 17(2)(d)".
- (7) In Article 17 (renewal of bookmaker's licence by a court)—
  - (a) after paragraph (2)(c) there shall be inserted—
 

"; and

    - (d) that neither the applicant nor any employee of his has, since the licence was granted, received or negotiated a bet on the outcome of any lottery forming part of the National Lottery for the purposes of Part I of the National Lottery etc. Act 1993.", and
  - (b) after paragraph (2) there shall be inserted—
 

"(2A) For the purposes of paragraph (2)(d), the court shall disregard any bet which ought properly to have been raised by way of objection on a previous occasion when the licence was renewed."
- (8) In Article 27(1) (grounds on which bookmaker's licence may be revoked) after paragraph (e) there shall be inserted—

“; Fo

- (f) that the licensed bookmaker or an employee of his has, since the licence was granted, received or negotiated a bet on the outcome of any lottery forming part of the National Lottery for the purposes of Part I of the National Lottery etc. Act 1993.”

## **19 Restriction of enactments relating to the rehabilitation of offenders**

- (1) Neither section 4(1) of the Rehabilitation of Offenders Act 1974 nor Article 5(1) of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (exclusion of evidence and questions relating to an individual’s previous convictions) shall apply in relation to any proceedings—
  - (a) before the Director General in respect of the grant or revocation of a licence, or
  - (b) by way of appeal to the Secretary of State against the revocation of a licence by the Director General.
- (2) A conviction shall not be regarded as spent for the purposes of section 4(2) of that Act or Article 5(2) of that Order (restrictions in respect of such questions put otherwise than in proceedings) if the question is put by the Director General and the following conditions are satisfied.
- (3) The question must be put for the purpose of determining whether to grant or revoke a licence.
- (4) The question must relate to an individual—
  - (a) who manages the business or any part of the business carried on under the licence (or who is likely to do so if the licence is granted), or
  - (b) for whose benefit that business is carried on (or is likely to be carried on if the licence is granted).
- (5) When the question is asked, the person questioned must be informed that by virtue of this section all the individual’s previous convictions are to be disclosed.

## **20 Interpretation of Part I**

In this Part—

“contravention”, in relation to a condition or requirement, includes a failure to comply with that condition or requirement (and “contravened” is to be read accordingly);

“the Director General” means the Director General of the National Lottery;

“participant”, in relation to a lottery, means a person who has bought a ticket or chance in the lottery;

“promote” includes conduct (and “promotion” is to be read accordingly);

and any reference to a lottery forming part of the National Lottery is to be read in accordance with section 1.