

Changes to legislation: *Horseshoe Betting and Olympic Lottery Act 2004 is up to date with all changes known to be in force on or before 07 August 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*

SCHEDULES

PROSPECTIVE

SCHEDULE 1

Section 10

NEW SCHEDULE 1A TO THE BETTING, GAMING AND LOTTERIES ACT 1963

“SCHEDULE 1A

REGULATION OF HORSERACE POOL BETTING

PART 1

INTRODUCTION

- 1 Part 2 of this Schedule specifies the conditions to be complied with, for the purposes of sections 4(2)(d) and 4A(2)(b), in relation to pool betting business.
- 2 Part 3 of this Schedule makes provision for the supervision of pool betting business.
- 3 In this Schedule “pool betting business” means pool betting business in connection with horse racing.

PART 2

CONDITIONS

Totalisator

- 4 Any totalisator being used must—
 - (a) be in proper working order, and
 - (b) be properly operated.

Publicity for arrangements

- 5 (1) A person receiving or negotiating bets in relation to a race or set of races must display in a conspicuous position a notice stating, prominently and in easily legible print—
 - (a) the minimum amount (if there is one) that he will accept as a stake,
 - (b) the amounts or percentage of the aggregate of the stakes that he will distribute by way of winnings,
 - (c) the principles that he will apply in calculating winnings (including any rules for rounding sums up or down),
 - (d) the arrangements that he will make for enabling persons to claim winnings,

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- (e) the arrangements that he will make in respect of winnings not claimed, and
 - (f) the arrangements that he will make if there is no winning bet.
- (2) Where a person receives or negotiates bets by the use of remote communication of a kind that does not permit the display of a notice, sub-paragraph (1) shall not apply but the person must—
- (a) have prepared a notice of the kind required by sub-paragraph (1),
 - (b) inform the person making the bet, or arrange for him to be informed, of a method by which he can see a copy of the notice, and
 - (c) if the person making the bet asks to be supplied with a copy of the notice, comply with the request.
- (3) In sub-paragraph (2) “remote communication” means communication using—
- (a) the internet,
 - (b) telephone,
 - (c) television,
 - (d) radio, or
 - (e) any other kind of electronic or other technology for facilitating communication.
- (4) Nothing in sub-paragraph (1)—
- (a) provides a defence to an offence under section 10, or
 - (b) excuses compliance with a provision of regulations under paragraph 3 of Schedule 4.
- (5) The Secretary of State may by regulations—
- (a) provide that a specified system or method of communication is or is not to be treated as a form of remote communication for the purposes of sub-paragraph (2) (and sub-paragraph (3) is subject to any regulations under this paragraph);
 - (b) provide that a specified system or method of communication is or is not to be treated for the purposes of sub-paragraph (2) as being of a kind that does not permit the display of a notice.
- (6) Regulations under sub-paragraph (5)—
- (a) may make different provision for different circumstances,
 - (b) shall be made by statutory instrument, and
 - (c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Publicity for arrangements

- 6 (1) Where a person makes statements in accordance with paragraph 5 in respect of a race or set of races—
- (a) he may not alter any of the statements in respect of that race or set of races, and
 - (b) he must act in accordance with the statements.
- (2) But sub-paragraph (1) does not apply to a person before he has received or negotiated a bet in respect of the race or set of races to which the statements relate.

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Publicity for arrangements

- 7 Where a person receives or negotiates bets in respect of a race or set of races, as soon as is reasonably practicable after the conclusion of the race or set he must make reasonable arrangements to announce or display details of the amounts payable by way of winnings.

Compliance with supervision

- 8 A person who receives or negotiates bets must—
- (a) comply with any requirement imposed by or under Part 3 of this Schedule,
 - (b) co-operate with the supervising accountant appointed under that Part,
 - (c) co-operate with the technical adviser appointed under that Part, and
 - (d) co-operate with any person authorised by the supervising accountant or the technical adviser under paragraph 11(2)(e) or 13(2)(f).

Annual fee

- 9 (1) A person who carries on pool betting business in a calendar year must have paid the prescribed fee in respect of that year.
- (2) In sub-paragraph (1) “prescribed” means prescribed by order of the Secretary of State.
- (3) An order under sub-paragraph (2)—
- (a) shall include provision about the timing and manner of payment,
 - (b) shall provide for fees to be paid (by the person who receives them in accordance with arrangements prescribed by virtue of paragraph (a)) into the Consolidated Fund,
 - (c) may make different provision for different circumstances,
 - (d) shall be made by statutory instrument, and
 - (e) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) In prescribing fees under this paragraph the Secretary of State shall aim, so far as is reasonably practicable, to ensure that the amount paid by way of fees in respect of a calendar year equals the expenditure incurred during that year in respect of—
- (a) the performance of the functions of the supervising accountant and technical adviser under Part 3, and
 - (b) the activities of the Gaming Board in relation to pool betting business.

PART 3

SUPERVISION

Supervising accountant

- 10 (1) The Gaming Board shall appoint a person who is eligible for appointment as a company auditor (in accordance with section 25 of the Companies Act 1989 (c. 40)) to carry out such activities as he thinks necessary or expedient for the purpose of determining whether the conditions in Part 2 of this Schedule are complied with by persons carrying on pool betting business.

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- (2) The person appointed under sub-paragraph (1) is referred to in this Part as the “supervising accountant”.

Supervising accountant

- 11 (1) The supervising accountant may do anything that he thinks necessary or expedient for the purpose of determining whether the conditions in Part 2 of this Schedule have been complied with.
- (2) In particular, the supervising accountant—
- (a) may require access to premises on which pool betting business is being or has been carried on,
 - (b) may require any person to produce for examination any accounts or other document,
 - (c) may require any person to permit the supervising accountant to examine a record (whether held on computer or otherwise),
 - (d) may require any person to supply a copy of any accounts or other document,
 - (e) may authorise a person in writing to do anything that the supervising accountant could do by virtue of this paragraph, and
 - (f) may delegate a function under this Part.

Technical adviser

- 12 (1) The Gaming Board shall appoint a person to advise the supervising accountant on the working condition of totalisators (“the technical adviser”).
- (2) Before appointing an adviser under this paragraph the Gaming Board shall consult the supervising accountant.

Technical adviser

- 13 (1) The technical adviser may do anything that he thinks necessary or expedient for the purpose of advising the supervising accountant whether the conditions in Part 2 of this Schedule have been complied with.
- (2) In particular, the technical adviser—
- (a) may require access to premises on which a totalisator is or has been in operation in relation to pool betting business,
 - (b) may carry out a process for the purposes of examining the operation of a totalisator,
 - (c) may require any person to produce a document for examination,
 - (d) may require any person to permit the technical adviser to examine a record (whether held on computer or otherwise),
 - (e) may require any person to supply a copy of a document,
 - (f) may authorise a person in writing to do anything that the technical adviser could do by virtue of this paragraph, and
 - (g) may delegate a function under this Part.

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Submission of accounts

- 14 (1) A person who carries on pool betting business in any month shall send to the supervising accountant a statement of the person's accounts for pool betting business carried on by him in that month.
- (2) A statement submitted under sub-paragraph (1) must, in particular—
- (a) specify any amounts carried over from one race or set of races to another in accordance with arrangements of a kind described in paragraph 5(1)(f), and
 - (b) give such other information as the supervising accountant may require for the purpose of determining whether the conditions in Part 2 of this Schedule have been complied with.
- (3) The requirement under sub-paragraph (1) must be complied with before the end of the period of 28 days beginning with the last day of the month to which the accounts relate.
- (4) Where the supervising accountant imposes a requirement under sub-paragraph (2)(b) —
- (a) he may impose the requirement in relation to accounts for any month, whether ending before or after the requirement is imposed and whether or not accounts for that month have been submitted, and
 - (b) if he imposes the requirement in relation to accounts for a month ending before the requirement is imposed—
 - (i) a person who has already submitted accounts for that month must re-submit them, and
 - (ii) in relation to a person obliged to re-submit accounts, sub-paragraph (3) shall have effect as if the period of 28 days began with the day on which the requirement came to his notice.

Submission of accounts

- 15 Where accounts are submitted to the supervising accountant under paragraph 14 he shall—
- (a) examine them, and
 - (b) arrange for their retention for a period of at least two years.

Annual audit

- 16 (1) This paragraph applies to a person who submits accounts to the supervising accountant under paragraph 14 during a calendar year.
- (2) As soon as is reasonably practicable after the end of the calendar year the supervising accountant shall, in relation to each person to whom this paragraph applies—
- (a) audit the person's accounts for pool betting business in that year (as submitted under paragraph 14),
 - (b) certify whether, so far as he is reasonably able to ascertain—
 - (i) the person has complied with paragraph 14,
 - (ii) the accounts are complete and accurate, and
 - (iii) the pool betting business carried on by the person during that year has been carried on in accordance with Part 2 of this Schedule.

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- (3) Having audited and certified a person's accounts under sub-paragraph (2) the supervising accountant shall as soon as is reasonably practicable send the audited accounts and the certificate to the person.
- (4) As soon as is reasonably practicable after receiving audited accounts and a certificate under sub-paragraph (3) a person must send two copies of each to the Gaming Board.
- (5) The Gaming Board shall make one copy of any accounts and certificate received under sub-paragraph (4) available for inspection by the public—
 - (a) at all reasonable times, and
 - (b) without charge.

Report to Gaming Board

- 17 If the supervising accountant suspects that pool betting business has been carried on otherwise than in accordance with Part 2 of this Schedule, he shall report the matter to the Gaming Board.

Report to Gaming Board

- 18 The supervising accountant and the technical adviser shall on request make available to the Gaming Board any accounts or other document supplied or provided under paragraph 11, 13 or 14.

Offences

- 19 A person commits an offence if he obstructs the supervising accountant or the technical adviser in the exercise of a function under this Part.

Offences

- 20 A person commits an offence if without reasonable excuse he fails to co-operate with the supervising accountant or the technical adviser in the exercise of a function under this Part.

Offences

- 21 A person commits an offence if he supplies to the supervising accountant or the technical adviser information which the person knows to be—
- (a) false, or
 - (b) misleading.

Offences

- 22 In paragraphs 19 to 21 “person” does not mean only a person who carries on or has carried on pool betting business.

Offences

- 23 A person commits an offence if he fails to comply with paragraph 14(1) or 16(4).

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Offences

- 24 (1) A person guilty of an offence under any of paragraphs 19 to 21 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) A person guilty of an offence under paragraph 23 shall be liable on summary conviction to—
- (a) imprisonment for a term not exceeding six months,
 - (b) a fine not exceeding level 5 on the standard scale, or
 - (c) both.”

SCHEDULE 2

Section 13

SALE OF THE TOTE: CONSEQUENTIAL AMENDMENTS

Betting, Gaming and Lotteries Act 1963 (c. 2)

PROSPECTIVE

- 1 The Betting, Gaming and Lotteries Act 1963 shall be amended as follows.

PROSPECTIVE

- 2 In section 1 (restriction on using premises for betting)—
- (a) in subsection (1)(a) for “section 4(1)” substitute “ section 4(2), (3) or (5)”, and
 - (b) in subsection (5)(a) omit “but no other races”.

PROSPECTIVE

- 3 In section 3 (authorisation of agents)—
- (a) in subsection (1) omit—
 - (i) “or to the Totalisator Board”,
 - (ii) “or, as the case may be, by the said Board”, and
 - (iii) “or by the said Board”,
 - (b) in subsection (2) omit—
 - (i) “or to the said Board”, and
 - (ii) “or, as the case may be, the Board”, and
 - (c) in subsection (3) omit—
 - (i) “The said Board and”, and
 - (ii) “by that Board or, as the case may be,”.

PROSPECTIVE

- 4 In section 5(3) (restriction of betting on tracks) omit—

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- (a) “by the Totalisator Board or, with the authority of that Board, by the persons having the management of that racecourse”, and
- (b) “by that Board or, as the case may be, by those persons”.

PROSPECTIVE

- 5 In section 6(1) (restriction of bookmaking on tracks) omit “only”.

PROSPECTIVE

- 6 In section 9 (betting office licences and betting agency permits)—
- (a) in subsection (1) omit the words from “Provided that” to the end,
 - (b) subsection (2)(b) shall cease to have effect, and
 - (c) in subsection (2)(c)(i) omit—
 - (i) “or by the Totalisator Board”, and
 - (ii) “or, as the case may be, with or through that Board”.

PROSPECTIVE

- 7 In section 11(1) (bookmaker’s permit and betting agency permit: cancellation and disqualification) after “, 4(1)” insert “, 4A(1)”.

PROSPECTIVE

- 8 Section 12 (which establishes the Horserace Totalisator Board) shall cease to have effect.

PROSPECTIVE

- 9 Section 14 (Tote’s monopoly in relation to pool betting) shall cease to have effect.

PROSPECTIVE

- 10 Section 15 (Tote’s additional powers and duties) shall cease to have effect.

PROSPECTIVE

- 11 In section 16(1) (totalisators on licensed tracks) for “4(1)(b)” substitute “4(5)”.

- 12 (1) Section 24 (Horserace Betting Levy Board) shall be amended as follows.
- (2) In subsection (1) for “the Totalisator Board” substitute “, while the exclusive licence under section 8 of the Horserace Betting and Olympic Lottery Act 2004 (sale of the Tote) has effect, the successor company nominated for the purposes of section 2 of that Act”.

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- (3) In subsection (2)—
- (a) for “seven other members” substitute “ six other members ”, and
 - (b) omit subsection (2)(e).
- (4) In subsection (4)—
- (a) for “, the Bookmakers' Committee and the Totalisator Board respectively” substitute “ or the Bookmakers' Committee ”, and
 - (b) for “subsection (2)(b), (d) or (e)” substitute “ subsection (2)(b) or (d) ”.

Commencement Information

I1 Sch. 2 para. 12 in force at 13.7.2011 by S.I. 2011/1704, art. 2

- 13 In section 30 (contributions by Totalisator Board)—
- (a) in each place (including in the heading) before “Totalisator Board” insert “ successor company to the ”, and
 - (b) after subsection (1) insert—
 - “(1A) Subsection (1) does not apply to any contribution which the successor company to the Totalisator Board is liable to make—
 - (a) in respect of a time when the exclusive licence does not have effect, and
 - (b) as a bookmaker.”

Commencement Information

I2 Sch. 2 para. 13 in force at 13.7.2011 by S.I. 2011/1704, art. 2

PROSPECTIVE

- 14 In section 31 (accounts and reports)—
- (a) in subsection (1)—
 - (i) for “and the Totalisator Board shall each” substitute “ shall ”,
 - (ii) for “proper statements” substitute “ a proper statement ”,
 - (iii) omit “of each of the Boards”, and
 - (iv) omit “in question”, and
 - (b) for subsection (2) substitute—
 - “(2) As soon as reasonably practicable after its accounts for a levy period have been audited, the Levy Board shall submit to the Secretary of State a report of its proceedings during that period which shall include the statement of account and the auditor’s report for that period; and the Secretary of State shall lay before Parliament a copy of each report received by him under this subsection.”

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PROSPECTIVE

15 In section 52(1) (penalties) after “4,” insert “ 4A, ”.

PROSPECTIVE

16 In section 55(1) (interpretation)—

- (a) in the definition of “bookmaker” omit—
 - (i) “other than the Totalisator Board”, and
 - (ii) for “sponsored pool betting business” substitute “ pool betting business on an approved racecourse in accordance with a point-to-point exemption notice ”,
- (b) after the definition of “game of chance” and “gaming” insert—

““the Gaming Board” means the Gaming Board for Great Britain;”,
- (c) after the definition of “player” insert—

““point-to-point exemption notice” has the meaning given by section 4(3)(b) of this Act;”,
- (d) omit the definition of “recognised horse race”,
- (e) in the definition of “registered pool promoter” for “section 4(2)” substitute “ section 4A(3) ”, and
- (f) omit the definitions of—
 - (i) “sponsored pool betting”, and
 - (ii) “the Totalisator Board”.

PROSPECTIVE

17 In paragraph 19(a)(i) of Schedule 1 (permits) omit “in the case of an applicant other than the Totalisator Board,”.

PROSPECTIVE

Gaming Act 1968 (c. 65)

18 In paragraph 6 of Schedule 1 to the Gaming Act 1968 (Gaming Board: remuneration of staff, &c.) after “(including the inspectors appointed under section 43 of this Act” insert “ and the supervising accountant and technical adviser appointed under Schedule 1A to the Betting, Gaming and Lotteries Act 1963 (c. 2) and anyone acting under the authority of the supervising accountant or technical adviser) ”.

Horserace Betting Levy Act 1969 (c. 14)

19 In section 5 of the Horserace Betting Levy Act 1969 (annual contribution by Totalisator Board)—

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- (a) in each place in subsection (1) (and the heading) before “Totalisator Board” insert “ successor company to the ”,
- (b) in subsection (1) for ‘object’ substitute ‘objects’, and
- (c) after subsection (1) insert—

“(1A) Subsection (1) does not apply to any contribution which the successor company to the Totalisator Board is liable to make—

- (a) in respect of a time when the exclusive licence does not have effect, and
- (b) as a bookmaker.”

Commencement Information

I3 Sch. 2 para. 19 in force at 13.7.2011 by S.I. 2011/1704, art. 2

PROSPECTIVE

Race Relations Act 1976 (c. 74)

- 20 In Part II of Schedule 1A to the Race Relations Act 1976 (persons subject to statutory duty) omit— “ The Horsrace Totalisator Board. ”

National Lottery etc. Act 1993 (c. 39)

- 21 Section 17 of the National Lottery etc. Act 1993 (extension of powers of Tote) shall cease to have effect.

Commencement Information

I4 Sch. 2 para. 21 in force at 13.7.2011 by S.I. 2011/1704, art. 2

Freedom of Information Act 2000 (c. 36)

- 22 In Part VI of Schedule 1 to the Freedom of Information Act 2000 (public authorities) omit— “ The Horsrace Totalisator Board. ”

Commencement Information

I5 Sch. 2 para. 22 in force at 13.7.2011 by S.I. 2011/1704, art. 2

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PROSPECTIVE

SCHEDULE 3

Section 16

HORSERACE BETTING LEVY BOARD: TRANSFER OF PROPERTY

Introductory

- 1 In this Schedule—
- “the Board” means the Horserace Betting Levy Board,
 - “transfer direction” means a direction of the Secretary of State under section 16(2), and
 - “transfer scheme” means a transfer scheme under section 16.

Board to assist Secretary of State

- 2 The Board shall on request give the Secretary of State information or assistance in connection with—
- (a) a transfer direction which the Secretary of State has given or may give, or
 - (b) a transfer scheme which the Secretary of State has made or may make.

Ancillary powers of Board

- 3 (1) The Board may do anything that it thinks necessary or appropriate in connection with a transfer direction or a transfer scheme.
- (2) In particular, the Board may enter into an agreement which confers or imposes on the Board rights or liabilities in respect of anything which has been or is to be transferred by a transfer scheme; and those rights and liabilities may include—
- (a) rights to receive payments by way of consideration for transfer or otherwise, and
 - (b) liabilities to make payments.
- (3) But the Board may enter into an agreement by virtue of sub-paragraph (2) only with the consent of—
- (a) the Secretary of State, and
 - (b) the Treasury.

Ancillary powers of Secretary of State

- 4 The Secretary of State may with the consent of the Treasury enter into an agreement which confers or imposes on the Secretary of State rights or liabilities in respect of anything which has been or is to be transferred by a transfer scheme.

Content of transfer scheme

- 5 A transfer scheme—
- (a) may transfer property, rights or liabilities whether or not they would otherwise be capable of being transferred,

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- (b) may dispense with a formality in relation to a transfer (whether or not it would otherwise be required by virtue of an enactment or instrument),
 - (c) may dispense with a requirement for consent (whether arising under an enactment, an instrument or an agreement),
 - (d) may provide for a transfer not to have an effect which it would otherwise have by virtue of an enactment, instrument or agreement, and
 - (e) may provide for a transfer to have an effect different to that which it would otherwise have by virtue of an enactment, instrument or agreement.
- 6 In specifying property, rights or liabilities to be transferred a transfer scheme—
- (a) may use any manner of description (which may include reference to criteria specified in the scheme or to be determined in accordance with the scheme),
 - (b) may provide for exceptions, and
 - (c) may provide for the division of property, rights or liabilities in a manner specified in the scheme or to be determined in accordance with the scheme.
- 7 A transfer scheme may transfer property, rights or liabilities which—
- (a) do not exist when the scheme is made but do exist when the transfer takes effect, or
 - (b) become property, rights or liabilities of the Board after the scheme is made and before the transfer takes effect.
- 8 A transfer scheme may transfer property, rights or liabilities to more than one person; and a scheme making provision under this paragraph may provide for property, rights or liabilities—
- (a) to vest jointly in a manner specified by the scheme or determined in accordance with the scheme, or
 - (b) to be divided in a manner specified by the scheme or determined in accordance with the scheme.
- 9 A transfer scheme—
- (a) may impose obligations on a person to whom property, rights or liabilities are transferred,
 - (b) may require a person to whom property, rights or liabilities are transferred to enter into an agreement of a specified kind or for a specified purpose,
 - (c) may make provision for the enforcement of an obligation imposed by virtue of this paragraph (which may, in particular, provide for an obligation to be treated as if it arose under a contract between specified persons), and
 - (d) may make provision for the enforcement of a requirement included in a scheme by virtue of this paragraph.
- 10 (1) A transfer scheme may include provision for the payment of compensation in a case where—
- (a) as a result of a provision of the scheme—
 - (i) a third-party right becomes enforceable partly against one transferee and partly against another, or
 - (ii) a third-party liability becomes enforceable partly by one transferee and partly by another, and
 - (b) an effect of that result is to reduce the value of—

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- (i) property of the third party, or
- (ii) a right of the third party.

- (2) Provision included under this paragraph may, in particular—
- (a) provide for compensation to be paid by a transferee;
 - (b) provide for compensation to be paid by the transferor;
 - (c) provide for compensation to be paid by the Secretary of State;
 - (d) provide for arbitration (as to liability or quantum).

- (3) In this paragraph—
- (a) a reference to a third-party right, in relation to a provision of a transfer scheme, is a reference to a right of a person who under that provision is neither the transferor nor a transferee,
 - (b) a reference to a third-party liability, in relation to a provision of a transfer scheme, is a reference to a liability of a person who under that provision is neither the transferor nor a transferee,
 - (c) a reference to a right's being enforceable includes a reference to its being enforceable if certain events occur or circumstances appertain,
 - (d) “transferee” means a person to whom property, rights or liabilities are transferred under a transfer scheme, and
 - (e) “transferor” means the Board.

- 11 A transfer scheme may make consequential, incidental or transitional provision; in particular, a transfer scheme—
- (a) may provide for anything done by or in relation to the Board to have effect as if done by or in relation to another person,
 - (b) may permit anything (which may include legal proceedings), which is in the process of being done by or in relation to the Board when a provision of a transfer scheme takes effect, to be continued by or in relation to another person, and
 - (c) may provide for a reference to the Board in an agreement (whether written or not), instrument or other document to be treated as a reference to another person.

Transfer of undertakings

- 12 (1) Nothing in a transfer scheme shall affect the operation of the [F1Transfer of Undertakings (Protection of Employment) Regulations 2006].
- (2) The Secretary of State shall not approve, make or modify a transfer scheme unless satisfied that sufficient notice has been given to enable compliance with any applicable requirement of those regulations.

Textual Amendments

- F1** Words in Sch. 3 para. 12(1) substituted (with application in accordance with reg. 21(1) of the amending S.I.) by [The Transfer of Undertakings \(Protection of Employment\) Regulations 2006 \(S.I. 2006/246\)](#), reg. 1(2), [Sch. 2 para. 1\(j\)](#)

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Certificate of title

- 13 (1) The Secretary of State may certify that specified property, rights or liabilities vest in a specified person by virtue of a transfer scheme.
- (2) A certificate under this paragraph shall be conclusive.

Modification of scheme

- 14 (1) This paragraph applies where—
- (a) a transfer scheme provides for the transfer of specified property, rights or liabilities, and
 - (b) the transfer has not yet taken effect (whether or not another transfer under the scheme has taken effect).
- (2) The Secretary of State may modify the scheme in so far as it relates to the transfer.
- 15 (1) This paragraph applies where—
- (a) a transfer scheme provides for the transfer of specified property, rights or liabilities, and
 - (b) the transfer has taken effect.
- (2) The Secretary of State may modify the scheme in so far as it relates to the transfer.
- (3) Modification under this paragraph must be made by order of the Secretary of State made by statutory instrument.
- (4) An order under this paragraph may not be made without the consent of—
- (a) the person to whom the transfer is made, and
 - (b) any other person specified in or in relation to the provision to be modified.
- (5) An order under this paragraph shall not be made unless a draft has been laid before Parliament.

Consultation and consent

- 16 The Secretary of State shall consult the Board before—
- (a) giving a transfer direction,
 - (b) modifying a transfer scheme under section 16(2)(b) or paragraph 14 or 15,
 - (c) approving a transfer scheme, or
 - (d) making a transfer scheme.
- 17 The Secretary of State shall not approve or make a transfer scheme which provides for the transfer to a person of property, rights or liabilities unless satisfied that the person has consented to—
- (a) the transfer, and
 - (b) the terms of the scheme relevant to the transfer.

Accounts

- 18 If the Secretary of State directs the Board to prepare accounts in respect of a specified period ending with the day on which a transfer scheme comes into force—
- (a) the Board shall comply with the request,

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- (b) the Board shall arrange for the accounts to be audited by qualified accountants,
- (c) the Board shall submit the accounts and the auditors' report to the Secretary of State, and
- (d) the Secretary of State shall lay a copy of the accounts and the auditors' report before Parliament.

PROSPECTIVE

SCHEDULE 4

Section 17

ABOLITION OF THE HORSE RACE BETTING LEVY SYSTEM: CONSEQUENTIAL AMENDMENTS

Betting, Gaming and Lotteries Act 1963 (c. 2)

- 1 The Betting, Gaming and Lotteries Act 1963 shall be amended as follows.
- 2 (1) Section 13 (approval of horse-race courses) shall be amended as follows.
- (2) In subsections (1) and (2) for “The Levy Board” substitute “ The Gaming Board ”.
- (3) In subsection (1) omit “, and the Board may at any time revoke any such certificate issued by them”.
- (4) At the end add—
- “(3) The Gaming Board shall grant a certificate of approval requested in respect of any ground if satisfied that the arrangements for the management of the ground are reasonably consistent with pursuit of the objectives of—
- (a) preventing betting from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
 - (b) ensuring that betting is conducted in a fair and open way, and
 - (c) protecting children and other vulnerable persons from being harmed or exploited by betting.
- (4) In particular, the Gaming Board shall consider whether—
- (a) the place mentioned in subsection (2) will be clearly delineated,
 - (b) the terms on which members of the public are invited to make bets will be clearly displayed, and
 - (c) satisfactory arrangements will be made—
 - (i) to control the conduct of persons receiving or negotiating bets on the ground, and
 - (ii) to address complaints made by members of the public about the conduct of persons receiving or negotiating bets on the ground.
- (5) If the Gaming Board would be satisfied in respect of the matters specified in subsections (3) and (4) if the certificate of approval were granted on conditions, the Gaming Board shall—
- (a) grant the certificate of approval, and

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- (b) impose the conditions.
- (6) The Gaming Board shall not grant a certificate of approval unless the prescribed fee has been paid for the certificate; and subsections (3) and (5) are subject to this subsection.
- (7) The Gaming Board may revoke a certificate of approval if not satisfied that the arrangements for the management of the ground are reasonably consistent with pursuit of the objectives specified in subsection (3)(a) to (c) (having regard, in particular, to the matters specified in subsection (4)).
- (8) A certificate of approval shall, unless earlier revoked, expire at the end of the period of three years beginning with the date of issue (but without prejudice to the power to issue a new certificate).
- (9) If the Gaming Board refuse a request for a certificate of approval, or revoke a certificate of approval, they shall give their reasons in writing.
- (10) In subsection (6) “prescribed” means prescribed by order of the Secretary of State.
- (11) An order under subsection (10)—
- (a) shall include provision about the timing and manner of payment,
 - (b) shall provide for fees to be paid into the Consolidated Fund,
 - (c) may make different provision for different circumstances,
 - (d) shall be made by statutory instrument, and
 - (e) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- 3 In section 55(1) (interpretation)—
- (a) in the definition of “approved horse racecourse” for “issued by the Levy Board” substitute “ issued by the Gaming Board for Great Britain ”, and
 - (b) omit the entries for—
 - (i) “Bookmakers' Committee”,
 - (ii) “the Levy Board”, and
 - (iii) “levy period”.
- 4 In Schedule 1 (bookmaker’s permits, betting agency permits and betting office licences)—
- (a) paragraph 25A shall cease to have effect, and
 - (b) paragraph 36 shall cease to have effect.
- Parliamentary Commissioner Act 1967 (c. 13)*
- 5 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments, &c. subject to investigation) omit— “ Horserace Betting Levy Board. ”
- Finance Act 1969 (c. 32)*
- 6 Section 59 of the Finance Act 1969 (disclosure of information by Customs and Excise to Levy Board) shall cease to have effect.

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House of Commons Disqualification Act 1975 (c. 24)

- 7 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) omit— “ Member appointed by the Secretary of State of the Horserace Betting Levy Board. ”

Race Relations Act 1976 (c. 74)

- 8 In Part II of Schedule 1A to the Race Relations Act 1976 (persons subject to statutory duty) omit— “ The Horserace Betting Levy Board. ”

Freedom of Information Act 2000 (c. 36)

- 9 In Part VI of Schedule 1 to the Freedom of Information Act 2000 (public authorities) omit— “ The Horserace Betting Levy Board. ”

SCHEDULE 5

Section 29

THE OLYMPIC LOTTERY DISTRIBUTOR

PART 1

CONSTITUTION

Membership

- 1 (1) The Secretary of State^{F2}...—
- (a) shall appoint the members of the Olympic Lottery Distributor, and
 - (b) shall appoint one of the members as Chairman.
- (2) The Secretary of State^{F2}... shall aim to ensure that the Distributor has at least 5 members at any time.
- (3) Before making an appointment under sub-paragraph (1) the Secretary of State^{F2}... shall consult—
- (a) the Mayor of London, and
 - (b) the National Olympic Committee.

Textual Amendments

F2 Words in [Sch. 5 para. 1](#) omitted (7.7.2010) by virtue of [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), [art. 1\(2\)](#), [Sch. para. 4\(i\)](#)

Commencement Information

I6 Sch. 5 para. 1 in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

Changes to legislation: *Horsrace Betting and Olympic Lottery Act 2004 is up to date with all changes known to be in force on or before 07 August 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*

Tenure

- 2 A person shall hold and vacate office as Chairman or other member of the Distributor in accordance with the terms of his appointment (subject to this Schedule).

Commencement Information

I7 Sch. 5 para. 2 in force at 8.7.2005 by S.I. 2005/1831, art. 2

- 3 [F3The Secretary of State shall not] appoint a person to hold office as Chairman or other member of the Distributor for a term of more than five years.

Textual Amendments

F3 Words in Sch. 5 para. 3 substituted (7.7.2010) by Secretary of State for Culture, Olympics, Media and Sport Order 2010 (S.I. 2010/1551), art. 1(2), Sch. para. 7

Commencement Information

I8 Sch. 5 para. 3 in force at 8.7.2005 by S.I. 2005/1831, art. 2

- 4 The Chairman or another member of the Distributor may resign his office by notice in writing to the Secretary of State^{F4}....

Textual Amendments

F4 Words in Sch. 5 para. 4 omitted (7.7.2010) by virtue of Secretary of State for Culture, Olympics, Media and Sport Order 2010 (S.I. 2010/1551), art. 1(2), Sch. para. 4(i)

Commencement Information

I9 Sch. 5 para. 4 in force at 8.7.2005 by S.I. 2005/1831, art. 2

- 5 The Chairman or another member of the Distributor may be removed from office by the Secretary of State^{F5}... on the grounds that—
- (a) a bankruptcy order has been made against him, his estate has been sequestrated or he has made a composition or arrangement with, or granted a trust deed for, his creditors, or
 - (b) he is, in the opinion of the Secretary of State^{F5}..., unable, unfit or unwilling to discharge the functions of his office.

Textual Amendments

F5 Words in Sch. 5 para. 5 omitted (7.7.2010) by virtue of Secretary of State for Culture, Olympics, Media and Sport Order 2010 (S.I. 2010/1551), art. 1(2), Sch. para. 4(i)

Commencement Information

I10 Sch. 5 para. 5 in force at 8.7.2005 by S.I. 2005/1831, art. 2

- 6 A person who ceases, otherwise than by virtue of paragraph 5, to be Chairman or another member of the Distributor may be re-appointed.

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Commencement Information

I11 Sch. 5 para. 6 in force at 8.7.2005 by S.I. 2005/1831, art. 2

Staff

7 The Distributor may appoint staff.

Commencement Information

I12 Sch. 5 para. 7 in force at 8.7.2005 by S.I. 2005/1831, art. 2

Committees

- 8 (1) The Distributor may establish a committee.
- (2) A committee—
- (a) must include a member or employee of the Distributor, but
 - (b) may also include persons who are neither members nor employees of the Distributor.

Commencement Information

I13 Sch. 5 para. 8 in force at 8.7.2005 by S.I. 2005/1831, art. 2

Status

9 The Distributor shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

Commencement Information

I14 Sch. 5 para. 9 in force at 8.7.2005 by S.I. 2005/1831, art. 2

Supervision

10 In Schedule 2 to the Parliamentary Commissioner Act 1967 (c. 13) (departments, &c. subject to investigation) insert at the appropriate place— “ Olympic Lottery Distributor. ”

Commencement Information

I15 Sch. 5 para. 10 in force at 8.7.2005 by S.I. 2005/1831, art. 2

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Disqualification

- 11 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (other disqualifying offices) insert at the appropriate place— “ Chairman, or member in receipt of remuneration, of the Olympic Lottery Distributor. ”

Commencement Information

I16 Sch. 5 para. 11 in force at 8.7.2005 by S.I. 2005/1831, art. 2

- 12 In Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (other disqualifying offices) insert at the appropriate place — “ Chairman, or member in receipt of remuneration, of the Olympic Lottery Distributor. ”

Commencement Information

I17 Sch. 5 para. 12 in force at 8.7.2005 by S.I. 2005/1831, art. 2

PART 2

PROCEEDINGS

Delegation

- 13 (1) The Distributor may delegate a function to—
- (a) a member,
 - (b) an employee,
 - (c) a committee, or
 - (d) any other person.
- (2) The following provisions of section 25A of the National Lottery etc. Act 1993 (c. 39) (delegation) shall apply (with any necessary modifications) for the purposes of this paragraph as they apply for the purposes of that section—
- (a) subsection (4) (power to accept delegation),
 - (b) subsections (5) to (7) (sub-delegation), and
 - (c) subsections (8) to (11) (general).

Commencement Information

I18 Sch. 5 para. 13 in force at 8.7.2005 by S.I. 2005/1831, art. 2

Directions of the Secretary of State ^{F6}...

Textual Amendments

F6 Words in Sch. 5 para. 14 crossheading omitted (7.7.2010) by virtue of Secretary of State for Culture, Olympics, Media and Sport Order 2010 (S.I. 2010/1551), art. 1(2), Sch. para. 4(i)

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- 14 (1) In exercising its functions the Distributor shall comply with any direction given to it by the Secretary of State^{F7}
- (2) A direction under this paragraph may, in particular—
- (a) relate to the management and control of money received by the Distributor,
 - (b) relate to the terms and conditions on which grants or loans are made under section 30,
 - (c) require the Distributor to obtain the Secretary of State's^{F7}... consent before taking action of a specified kind,
 - (d) require the Distributor to provide information,
 - (e) relate to the employment of staff, or
 - (f) with the consent of the Treasury, relate to—
 - (i) the form of accounts, or
 - (ii) methods and principles for the preparation of accounts.
- (3) Before giving a direction under this paragraph the Secretary of State^{F7}... shall consult the Distributor.

Textual Amendments

F7 Words in Sch. 5 para. 14 omitted (7.7.2010) by virtue of [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), art. 1(2), **Sch. para. 4(i)**

Commencement Information

I19 Sch. 5 para. 14 in force at 8.7.2005 by [S.I. 2005/1831](#), **art. 2**

Self-regulation

- 15 The Distributor may, subject to this Schedule, regulate its own procedure and that of its committees (and in particular may specify a quorum for meetings).

Commencement Information

I20 [Sch. 5 para. 15](#) in force at 8.7.2005 by [S.I. 2005/1831](#), **art. 2**

Records

- 16 In Schedule 1 to the Public Records Act 1958 (c. 51) (definition of public records) the following entry shall be inserted at the appropriate place in Part II of the Table at the end of paragraph 3— “ Olympic Lottery Distributor. ”

Commencement Information

I21 [Sch. 5 para. 16](#) in force at 8.7.2005 by [S.I. 2005/1831](#), **art. 2**

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Annual report

- 17 (1) As soon as is reasonably practicable after the end of each financial year the Distributor shall send to the Secretary of State^{F8}... a report on the exercise of the Distributor's functions during the year.
- (2) A report under sub-paragraph (1) shall, in particular, specify any directions given to the Distributor under paragraph 14 that had effect during the financial year to which the report relates.
- (3) The Secretary of State^{F8}... shall lay before Parliament a copy of each report received by him under this paragraph.

Textual Amendments

F8 Words in [Sch. 5 para. 17](#) omitted (7.7.2010) by virtue of [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), art. 1(2), [Sch. para. 4\(i\)](#)

Commencement Information

I22 [Sch. 5 para. 17](#) in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

Saving

- 18 The validity of proceedings of the Distributor shall not be affected by—
- (a) a vacancy among its members, or
- (b) a defect in the appointment of a person as Chairman or member.

Commencement Information

I23 [Sch. 5 para. 18](#) in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

PART 3

MONEY

Remuneration, &c.

- 19 (1) The Distributor may pay to the Chairman, another member or a member of a committee—
- (a) such remuneration as the Secretary of State^{F9}... may determine, and
- (b) such travelling and other allowances as the Secretary of State^{F9}... may determine.
- (2) The Distributor may pay to or in respect of the Chairman or another member such sums as the Secretary of State^{F9}... may determine by way of, or in respect of, pensions, allowances or gratuities.
- (3) If the Secretary of State^{F9}... thinks that there are special circumstances that make it right for a person ceasing to hold office as Chairman or member of the Distributor

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to receive compensation, the Distributor may pay to him such compensation as the Secretary of State^{F9} ... may determine.

Textual Amendments

F9 Words in [Sch. 5 para. 19](#) omitted (7.7.2010) by virtue of [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), art. 1(2), [Sch. para. 4\(i\)](#)

Commencement Information

I24 [Sch. 5 para. 19](#) in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

- 20 (1) The Distributor may pay sums to or in respect of a member or former member of staff by way of or in respect of—
- (a) remuneration,
 - (b) allowances,
 - (c) pensions,
 - (d) gratuities, or
 - (e) compensation for loss of employment.
- (2) In Schedule 1 to the Superannuation Act 1972 (c. 11) (employment to which superannuation schemes may extend) in the list of other bodies insert at the appropriate place— “ The Olympic Lottery Distributor. ”

Commencement Information

I25 [Sch. 5 para. 20](#) in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

Payments

- 21 The Distributor may make payments in respect of expenditure (which may include expenditure of a capital nature) by—
- (a) the Distributor, or
 - (b) a person to whom it delegates functions under paragraph 13.

Commencement Information

I26 [Sch. 5 para. 21](#) in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

Investment

- 22 The Distributor may deposit money in an interest-bearing account (but may not otherwise invest).

Commencement Information

I27 [Sch. 5 para. 22](#) in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

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Miscellaneous receipts

- 23 (1) The Secretary of State^{F10} ... may pay money to the Distributor for the purpose of enabling it to meet expenditure.
- (2) A payment under sub-paragraph (1)—
- (a) may not be used to make grants or loans under section 30,
 - (b) may be made only where the Secretary of State^{F10} ... thinks the Distributor's income is or is likely to be insufficient to meet the expenditure to which the payment relates, and
 - (c) may be made on conditions (which may include conditions about repayment).

Textual Amendments

F10 Words in Sch. 5 para. 23 omitted (7.7.2010) by virtue of Secretary of State for Culture, Olympics, Media and Sport Order 2010 (S.I. 2010/1551), art. 1(2), Sch. para. 4(i)

Commencement Information

I28 Sch. 5 para. 23 in force at 8.7.2005 by S.I. 2005/1831, art. 2

- 24 The Distributor may accept gifts.

Commencement Information

I29 Sch. 5 para. 24 in force at 8.7.2005 by S.I. 2005/1831, art. 2

Accounts

- 25 (1) The Distributor shall—
- (a) keep proper accounting records, and
 - (b) prepare a statement of accounts in respect of each financial year.
- (2) The Distributor shall send a copy of a statement under sub-paragraph (1)(b)—
- (a) to the Secretary of State^{F11}..., and
 - (b) to the Comptroller and Auditor General.
- (3) A copy of a statement must be sent under sub-paragraph (2) within such period, beginning with the end of the financial year to which the statement relates, as the Secretary of State^{F11}... may, with the consent of the Treasury, direct.
- (4) The Comptroller and Auditor General shall—
- (a) examine, certify and report on a statement received under this paragraph, and
 - (b) lay a copy of the statement and his report before Parliament.

Textual Amendments

F11 Words in Sch. 5 para. 25 omitted (7.7.2010) by virtue of Secretary of State for Culture, Olympics, Media and Sport Order 2010 (S.I. 2010/1551), art. 1(2), Sch. para. 4(i)

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Commencement Information

I30 Sch. 5 para. 25 in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

Financial year

- 26 (1) The financial year of the Distributor shall be the period of 12 months ending with the 31st March.
- (2) But the first financial year of the Distributor shall be the period—
- (a) beginning with the coming into force of section 29, and
 - (b) ending with the following 31st March.

Commencement Information

I31 Sch. 5 para. 26 in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

SCHEDULE 6

Section 38

REPEALS

Commencement Information

I32 Sch. 6 in force at 8.4.2005 for specified purposes by [S.I. 2005/1134](#), [art. 2](#)

I33 Sch. 6 in force at 13.7.2011 for specified purposes by [S.I. 2011/1704](#), [art. 2](#)

Short title and chapter

Betting, Gaming and Lotteries Act 1963
(c. 2)

Extent of repeal

In section 1(5)(a), “but no other races”.

In section 3(1)—

- (a) “or to the Totalisator Board”,
- (b) “or, as the case may be, by the said Board”, and
- (c) “or by the said Board”.

In section 3(2)—

- (a) “or to the said Board”, and
- (b) “or, as the case may be, the Board”.

In section 3(3)—

- (a) “The said Board”, and
- (b) “by that Board or, as the case may be,”.

In section 5(3)—

- (a) “by the Totalisator Board or, with the authority of that Board, by the persons having the management of that racecourse”, and
- (b) “by that Board or, as the case may be, by those persons”.

In section 6(1) “only”.

In section 9—

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	<ul style="list-style-type: none"> (a) in subsection (1) the words from “Provided that” to the end, (b) subsection (2)(b), (c) in subsection (2)(c)(i) “or by the Totalisator Board”, and (d) in subsection (2)(c)(i) “or, as the case may be, with or through that Board”.
	Section 12.
	Section 14.
	Section 15.
	Section 24(2)(e).
	In section 31(1)—
	<ul style="list-style-type: none"> (a) “and the Totalisator Board”, (b) “of each of the Boards”, and (c) “in question”.
	In section 55(1)—
	<ul style="list-style-type: none"> (a) in the definition of “bookmaker”, “other than the Totalisator Board”, and (b) the definitions of “recognised horse race”, “sponsored pool betting” and “the Totalisator Board”.
	In paragraph 19(a)(i) of Schedule 1, “in the case of an applicant other than the Totalisator Board,”.
Horsrace Totalisator and Betting Levy Boards Act 1972 (c. 69)	The whole Act.
Race Relations Act 1976 (c. 74)	In Part II of Schedule 1A, “The Horsrace Totalisator Board”.
National Lottery etc. Act 1993 (c. 39)	Section 17. Section 21(2). Section 22(3)(e). Section 30.
Horsrace Totalisator Board Act 1997 (c. 1)	The whole Act.
Trustee Act 2000 (c. 29)	Paragraph 34 of Schedule 2.
Freedom of Information Act 2000 (c. 36)	In Part VI of Schedule 1, “The Horsrace Totalisator Board”.

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 21(1) words substituted by [2006 c. 23 Sch. 1 para. 16\(2\)\(a\)](#) (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. 21(2)(3) ceases to have effect by [2006 c. 23 Sch. 1 para. 16\(2\)\(b\)](#) (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. 21(3) ceases to have effect by [2006 c. 23 Sch. 1 para. 16\(2\)\(b\)](#) (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. 22(1) words substituted by [2006 c. 23 Sch. 1 para. 16\(3\)](#) (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. 24(1) substituted by [2006 c. 23 Sch. 1 para. 16\(4\)](#) (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. 26(4)(a) words substituted by [2006 c. 23 Sch. 1 para. 16\(5\)](#) (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.)

- s. 28(3)(a) words substituted by 2006 c. 23 Sch. 1 para. 16(6) (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. 32(3)(a) words substituted by 2006 c. 23 Sch. 1 para. 16(7) (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.)