



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 [^{F1}the Companies Act 2006] 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

Changes to legislation: There are currently no known outstanding effects for the Horserace Betting and Olympic Lottery Act 2004, Section 5. (See end of Document for details)

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.

Textual Amendments

- F1** Words in s. 5(3)(b) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 221(3)** (with art. 10)
-

Commencement Information

- I1** [S. 5](#) in force at 25.2.2011 by [S.I. 2011/462](#), **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Horserace Betting and Olympic Lottery Act 2004, Section 5.