



# National Lottery Act 2006

## 2006 CHAPTER 23

### *National Lottery Commission*

#### **1 Constitution**

(1) Schedule 2A to the National Lottery etc. Act 1993 (c. 39) (National Lottery Commission) shall be amended as follows.

(2) For paragraph 2(1) substitute—

“(1) The Commission shall consist of at least five members, appointed by the Secretary of State.”

(3) For paragraph 4 substitute—

“4

(1) The Secretary of State shall appoint a member of the Commission as chairman.

(2) A member of the Commission who is also an employee of the Commission may not be appointed as chairman.

(3) The chairman shall hold and vacate office in accordance with the terms of his appointment; but—

(a) sub-paragraphs (2) to (5) of paragraph 3 shall apply to the office of chairman as they apply to the office of member, and

(b) if the chairman ceases to be a member he shall cease to be chairman.”

(4) After paragraph 6 insert—

“6A

(1) The Secretary of State may appoint the Chief Executive of the Commission as a member.

(2) Where the Chief Executive is appointed as a member—

(a) paragraph 5 shall not apply to him, and

(b) if he ceases to be Chief Executive he ceases to be a member.

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**Changes to legislation:** There are currently no known outstanding effects for the National Lottery Act 2006, Cross Heading: National Lottery Commission. (See end of Document for details)

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- (3) Where the Chief Executive is appointed as a member the Secretary of State may, on the recommendation of the Commission, appoint another employee of the Commission as a member; and—
- (a) paragraph 5 shall not apply to a person appointed by virtue of this sub-paragraph,
  - (b) the Secretary of State may suspend or terminate an appointment made by virtue of this sub-paragraph if the Chief Executive ceases to be a member, and
  - (c) if a person appointed by virtue of this sub-paragraph ceases to be an employee of the Commission he shall cease to be a member.”

**Commencement Information**

**II** S. 1 in force at 1.10.2006 by S.I. 2006/2630, art. 2(a) (with art. 3)

**2 Disclosure of information**

After section 4A of the National Lottery etc. Act 1993 (c. 39) (consultation with Gambling Commission: inserted by the Gambling Act 2005) insert—

**“4B Disclosure of information**

- (1) The Commissioners for Her Majesty's Revenue and Customs may disclose information to the National Lottery Commission.
- (2) The National Lottery Commission may disclose information 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 the National Audit Office 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.

**4C Wrongful disclosure**

- (1) This section applies to a person—
  - (a) who is or was an officer or employee of the National Lottery Commission, or

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- (b) who acts or acted on behalf of the National Lottery 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 12 months, to a fine not exceeding the statutory maximum or to both.
- (5) In relation to a conviction occurring before the commencement of section 282 of the Criminal Justice Act 2003 (c. 44) (short sentences) the reference in subsection (4)(b) to 12 months shall have effect as if it were a reference to six months.
- (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.”

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**Commencement Information**

**12** S. 2 in force at 1.10.2006 by S.I. 2006/2630, art. 2(a)

**Changes to legislation:**

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