
STATUTORY INSTRUMENTS

2001 No. 4021

CUSTOMS AND EXCISE

The Lottery Duty (Amendment) Regulations 2001

Made - - - - 17th December 2001
Laid before the House of
Commons - - - - 20th December 2001
Coming into force - - 27th January 2002

The Commissioners of Customs and Excise, in exercise of the powers conferred on them by sections 26(2), 28(2) and 38 of the Finance Act 1993⁽¹⁾, section 132 of the Finance Act 1999⁽²⁾, and of all other powers enabling them in that behalf, hereby make the following regulations:

1. These Regulations may be cited as the Lottery Duty (Amendment) Regulations 2001 and come into force on 27th January 2002.
2. Amend the Lottery Duty Regulations 1993⁽³⁾ as follows.
3. For regulation 6(2) substitute—
 - “(2) Where payment of any lottery duty is deferred—
 - (a) it must be paid using either the Clearing House Automated Payment System (CHAPS) or the Bankers' Automated Clearing Services (BACS), and
 - (b) payment must be credited to such bank account as the Commissioners may require on or before the day by which the return showing that duty must be furnished.”.
4. In regulation 7(3)(a) insert “or 14A” immediately after “14”.
5. In regulation 14(1) for “fifteenth day of the month next” substitute “thirteenth day”.
6. For regulation 14(2) substitute—
 - “(2) Returns must be furnished to the Commissioners at their accounting centre for lottery duty.
 - (3) The Commissioners must give the address of their accounting centre for lottery duty to every registered promoter.”.
7. After regulation 14 add—

(1) 1993 c. 34.
(2) 1999 c. 16.
(3) S.I. 1993/3212.

“**14A.**—(1) A registered promoter may furnish a return required by regulation 14(1) above using electronic communications.

(2) Such a method of furnishing a return shall be referred to in this regulation as an “electronic return system”.

(3) A registered promoter may furnish a return by way of an electronic return system only on condition that—

- (a) the electronic return system in question takes a form approved by the Commissioners in a specific or general direction; and
- (b) that promoter remains authorised by the Commissioners in accordance with paragraph (7) below.

(4) No return shall be treated as having been furnished under paragraph (1) above unless the conditions imposed by paragraph (3) above are satisfied.

(5) An electronic return system shall incorporate an electronic validation process.

(6) Subject to paragraph (4) above—

- (a) the use of an electronic return system shall be proved to have resulted in the furnishing of the return to the Commissioners only if this has been successfully recorded as such by the relevant electronic validation process;
- (b) the time of furnishing the return to the Commissioners using an electronic return system shall be conclusively presumed to be the time recorded as such by the relevant electronic validation process; and
- (c) the person furnishing the return to the Commissioners shall be presumed to be the person identified as such by any relevant feature of the electronic return system.

(7) The Commissioners may on application authorise a registered promoter to furnish returns using an electronic return system and may revoke such authorisation.

(8) The Commissioners shall pay proper regard to the following factors before authorising a registered promoter or revoking an authorisation under paragraph (7) above—

- (a) the state of development of any relevant electronic return system;
- (b) the protection of the revenue;
- (c) the degree of compliance with these Regulations of the promoter concerned; and
- (d) any other relevant factor.”.

8. In regulation 15(3) for “paragraph (4)” substitute “paragraphs (4) and (5)”.

9. After regulation 15(4) add—

“(5) The requirement in paragraph (3) above that every return shall be signed by the registered promoter shall not apply to a return furnished in accordance with regulation 14A above.”.

10. These amendments shall not have effect in relation to duty which became due before the coming into force of these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations come into force on 27th January 2002 and apply to lottery duty which becomes due on or after that day.

They amend the Lottery Duty Regulations 1993 (S.I.1993/3212). The principal changes made are:

- (a) to require payment of lottery duty by specified means of electronic communication;
- (b) to amend the date by which a return must be furnished to the Commissioners;
- (c) to provide for the furnishing of a return by electronic communication.

Regulation 3 provides that payment of lottery duty be made using either the Bankers' Automated Clearing Services (BACS) or the Clearing House Automated Payment System (CHAPS) and that payment must be credited to the required bank account on or before the day by which the return is required to be furnished.

Regulation 5 requires a registered lottery promoter to furnish a return to the Commissioners by no later than the thirteenth day following the end of every accounting period.

Regulation 6 specifies where returns must be furnished.

Regulation 7 makes provision for a registered promoter who applies to and is authorised by the Commissioners to furnish returns using approved forms of electronic communication. Certain formalities are provided for to take account of the special characteristics of electronic communication.