



# 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.

#### **<sup>F1</sup>17 Extension of powers of Horserace Totalisator Board.**

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#### **Textual Amendments**

- F1** [S. 17](#) repealed (13.7.2011) by [Horserace Betting and Olympic Lottery Act 2004 \(c. 25\), s. 40, Sch. 2 para. 21, Sch. 6](#); [S.I. 2011/1704, art. 2](#)

#### **18 Control of betting on the National Lottery.**

<sup>F2</sup>(1) .....

<sup>F2</sup>(2) .....

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*Changes to legislation: National Lottery etc. Act 1993, Cross Heading: Miscellaneous and supplementary is up to date with all changes known to be in force on or before 12 April 2024. 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*

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<sup>F2</sup>(3) .....

<sup>F2</sup>(4) .....

(5) The <sup>M1</sup>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—

“; or

(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.”

#### Textual Amendments

**F2** S. 18(1)-(4) repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), [Sch. 17](#) (with [ss. 352, 354](#)); [S.I. 2006/3272](#), art. 2(4)(5), [Sch. 3B](#) (with [arts. 7-12](#), [Sch. 4](#)) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, [Sch.](#))

#### Marginal Citations

**M1** [S.I. 1985/1204 \(N.I. 11\)](#).

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

(1) Neither section 4(1) of the <sup>M2</sup>Rehabilitation of Offenders Act 1974 nor Article 5(1) of the <sup>M3</sup>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

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- (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.

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#### Marginal Citations

**M2** 1974 c. 53.

**M3** S.I. 1978/1908 (N.I. 27).

## 20 Interpretation of Part I.

In this Part—

[<sup>F3</sup>“the Commission” means the [<sup>F4</sup>Gambling] Commission;]

“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);

[<sup>F5</sup>“lottery” has the same meaning as in the Gambling Act 2005;]

<sup>F6</sup>  
...

“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.

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#### Textual Amendments

**F3** Definition inserted (1.4.1999) by 1998 c. 22, s. 1(5), **Sch. 1 Pt. III para. 14(a)**; S.I. 1999/650, **art. 2**.

**F4** Word in s. 20 substituted (1.10.2013) by The Public Bodies (Merger of the Gambling Commission and the National Lottery Commission) Order 2013 (S.I. 2013/2329), art. 1(2), **Sch. para. 8** (with art. 8, Sch. para. 43)

**F5** Words in s. 20 inserted (E.W.S.) (1.9.2007) by Gambling Act 2005 (c. 19), s. 358(1), **Sch. 3 para. 3** (with ss. 352, 354); S.I. 2006/3272, art. 2(4)(5), Sch. 3B (with arts. 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

**F6** Definition repealed (1.4.1999) by 1998 c. 22, ss. 1(5), 26, Sch. 1 Pt. III para. 14(b), **Sch. 5 Pt. I**; S.I. 1999/650, **art. 2**.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5-6A substituted for s. 5 6 by [2006 c. 23 Sch. 1 para. 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. 7(3A) inserted by [2006 c. 23 Sch. 1 para. 5\(5\)](#) (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.)