

## SCHEDULES

### SCHEDULE 3

Section 10.

#### REVOCATION OF LICENCES

##### PART I

###### DISCRETIONARY GROUNDS FOR REVOCATION

- 1 A condition in the licence has been contravened.
- 2 Any information given by the licensee to the Director General—
  - (a) in or in connection with the application for the licence,
  - (b) in pursuance of a condition in the licence, or
  - (c) in making representations under section 8(2) or Part II of this Schedule,was false in a material particular.
- 3 (1) A proposal for a voluntary arrangement under Part I of the Insolvency Act 1986 or Part II of the Insolvency (Northern Ireland) Order 1989 has been made in relation to the licensee.  
(2) A petition for an administration order to be made in respect of the licensee or for the winding up of the licensee has been presented to the court.  
(3) A resolution for the voluntary winding up of the licensee has been passed.  
(4) A receiver or manager of the whole or any part of the licensee's property has been appointed.
- 4 In the case of a licence granted under section 5—
  - (a) the licensee is not providing or proposing to provide facilities that are necessary or desirable for running the National Lottery;
  - (b) any person who is managing the business or any part of the business of running the National Lottery under the licence is not a fit and proper person to do so;
  - (c) any person for whose benefit that business is carried on is not a fit and proper person to benefit from it.
- 5 In the case of a licence granted under section 6—
  - (a) the licensee is not taking or proposing to take steps that are necessary or desirable for preventing the commission of fraud by participants in any lottery promoted under the licence;
  - (b) a person who is managing the business or any part of the business of promoting lotteries under the licence is not a fit and proper person to do so;
  - (c) a person for whose benefit that business is carried on is not a fit and proper person to benefit from it.

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*Status: This is the original version (as it was originally enacted).*

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## PART II

### PROCEDURE AND APPEALS

#### *Notice of proposed revocation*

- 6 (1) Where the Director General proposes to revoke a licence, he shall serve a notice on the licensee stating—
- (a) that he proposes to revoke the licence,
  - (b) the ground or grounds for revocation,
  - (c) that the licensee may within the period of twenty-one days beginning with the date of the notice either make written representations about the matter to him or notify him in writing of the licensee's intention to make oral representations, and
  - (d) the effect of sub-paragraph (2).
- (2) If, within the period mentioned in sub-paragraph (1)(c), the Director General receives neither written representations nor written notification of the licensee's intention to make oral representations, the revocation shall take effect at the end of that period.

#### *Suspension of licence*

- 7 (1) The Director General may suspend a licence as from the date of any notice served in respect of it under paragraph 6 if—
- (a) he reasonably believes that the ground or any of the grounds specified in the notice involves fraud by the licensee, or
  - (b) the ground or one of the grounds specified in the notice is the ground set out in paragraph 5(a).
- (2) Where a licence is suspended under this paragraph—
- (a) the suspension shall last until the revocation takes effect or the Director General decides not to revoke the licence or the Secretary of State allows an appeal against the revocation, and
  - (b) the notice shall inform the licensee accordingly.

#### *Decision by the Director General*

- 8 (1) The Secretary of State may make regulations as to the procedure to be followed where a licensee's intention to make oral representations is notified to the Director General as mentioned in paragraph 6(1)(c).
- (2) The regulations may in particular make provision—
- (a) for the revocation of the licence to take effect if the licensee fails to comply with any requirements imposed by or under the regulations, and
  - (b) as to the hearing by the Director General of oral representations.
- 9 (1) If any written representations against the revocation of a licence are made as mentioned in paragraph 6(1)(c) or any oral representations against the revocation of a licence are made in accordance with regulations under paragraph 8, the Director General shall after taking the representations into account—
- (a) decide whether or not to revoke the licence, and

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- (b) serve a further notice on the licensee informing the licensee of his decision and (if the case so requires) of the effect of sub-paragraph (2).
- (2) Where the decision is to revoke the licence, the revocation shall not take effect—
  - (a) until the end of such period as may be specified in the further notice, or
  - (b) if within that period the licensee appeals against the revocation to the Secretary of State, until the Secretary of State determines the appeal.
- (3) The period specified in the further notice shall be a period of at least twenty-eight days beginning with the date of that notice.

*Appeals to the Secretary of State*

- 10      The Secretary of State may make regulations as to the manner of making appeals to him against the revocation of a licence and the procedure to be followed in relation to such appeals.