



National Lottery etc. Act 1993

1993 CHAPTER 39

PART I

AUTHORISATION AND REGULATION OF THE NATIONAL LOTTERY

Control by the Secretary of State

11 Directions to the Director General.

- (1) The Director General shall in exercising his functions under [^{F1}sections 5 to 10A] comply with any directions that he may be given by the Secretary of State.
- (2) Such directions may deal in particular—
 - (a) with the matters that the Director General should take into account in deciding whether or not to grant licences;
 - (b) with the conditions that licences should contain.

Textual Amendments

F1 Words in s. 11(1) substituted (2.9.1998) by 1998 c. 22, ss. 2(2), 27(5).

Modifications etc. (not altering text)

C1 S. 11 modified (8.4.2005) by Horserace Betting and Olympic Lottery Act 2004 (c. 25), ss. 34(7), 40; S.I. 2005/1134, art. 2

C2 S. 11 functions made partly exercisable concurrently (22.8.2007) by The Transfer of Functions (Olympics and Paralympics) Order 2007 (S.I. 2007/2129), arts. 1(2), 3(1)(2)(a)(ii) (with art. 4)

12 Regulations as to the promotion of lotteries.

- (1) The Secretary of State may by regulations make such provision in relation to the promotion of lotteries that form part of the National Lottery as he considers necessary or expedient.

Changes to legislation: National Lottery etc. Act 1993, Cross Heading: Control by the Secretary of State is up to date with all changes known to be in force on or before 01 July 2023. 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

- (2) Such regulations may in particular impose requirements or restrictions as to—
 - (a) the minimum age of persons to whom or by whom tickets or chances may be sold;
 - (b) the places, circumstances or manner in which tickets or chances may be sold or persons may be invited to buy them;
 - (c) the information that must appear in an advertisement for a lottery;
 - (d) the places, circumstances or manner in which signs relating to a lottery may be displayed.
- (3) In subsection (2) “tickets” includes any document providing evidence of a person’s claim to participate in the chances of a lottery.
- (4) Regulations under this section may make different provision for different areas.

13 Contravention of regulations an offence.

- (1) If any requirement or restriction imposed by regulations made under section 12 is contravened in relation to the promotion of a lottery that forms part of the National Lottery—
 - (a) the promoter of the lottery shall be guilty of an offence, except if the contravention occurred without the consent or connivance of the promoter and the promoter exercised all due diligence to prevent such a contravention,
 - (b) any director, manager, secretary or other similar officer of the promoter, or any person purporting to act in such a capacity, shall be guilty of an offence if he consented to or connived at the contravention or if the contravention was attributable to any neglect on his part, and
 - (c) any other person who was party to the contravention 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.
- (3) Summary proceedings in Scotland for an offence under this section may be commenced within a period of six months from the date on which evidence sufficient in the opinion of the procurator fiscal to warrant proceedings came to his knowledge; but no proceedings in Scotland shall be commenced by virtue of this section more than three years after the commission of the offence.
- (4) For the purposes of this section, a certificate signed by or on behalf of the procurator fiscal and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed shall be taken to be so signed unless the contrary is proved.

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.)