

*Status: Point in time view as at 08/07/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Horserace Betting and Olympic Lottery Act 2004, SCHEDULE 5. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 5

Section 29

#### THE OLYMPIC LOTTERY DISTRIBUTOR

##### PART 1

##### CONSTITUTION

###### *Membership*

- 1 (1) The Secretary of State—
  - (a) shall appoint the members of the Olympic Lottery Distributor, and
  - (b) shall appoint one of the members as Chairman.
- (2) The Secretary of State shall aim to ensure that the Distributor has at least 5 members at any time.
- (3) Before making an appointment under sub-paragraph (1) the Secretary of State shall consult—
  - (a) the Mayor of London, and
  - (b) the National Olympic Committee.

###### **Commencement Information**

**I1** Sch. 5 para. 1 in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

###### *Tenure*

- 2 A person shall hold and vacate office as Chairman or other member of the Distributor in accordance with the terms of his appointment (subject to this Schedule).

###### **Commencement Information**

**I2** Sch. 5 para. 2 in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

- 3 The Secretary of State shall not appoint a person to hold office as Chairman or other member of the Distributor for a term of more than five years.

###### **Commencement Information**

**I3** Sch. 5 para. 3 in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

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- 4           The Chairman or another member of the Distributor may resign his office by notice in writing to the Secretary of State.

**Commencement Information**

**I4**   Sch. 5 para. 4 in force at 8.7.2005 by [S.I. 2005/1831](#), **art. 2**

- 5           The Chairman or another member of the Distributor may be removed from office by the Secretary of State on the grounds that—
- (a) a bankruptcy order has been made against him, his estate has been sequestrated or he has made a composition or arrangement with, or granted a trust deed for, his creditors, or
  - (b) he is, in the opinion of the Secretary of State, unable, unfit or unwilling to discharge the functions of his office.

**Commencement Information**

**I5**   Sch. 5 para. 5 in force at 8.7.2005 by [S.I. 2005/1831](#), **art. 2**

- 6           A person who ceases, otherwise than by virtue of paragraph 5, to be Chairman or another member of the Distributor may be re-appointed.

**Commencement Information**

**I6**   Sch. 5 para. 6 in force at 8.7.2005 by [S.I. 2005/1831](#), **art. 2**

*Staff*

- 7           The Distributor may appoint staff.

**Commencement Information**

**I7**   Sch. 5 para. 7 in force at 8.7.2005 by [S.I. 2005/1831](#), **art. 2**

*Committees*

- 8           (1) The Distributor may establish a committee.
- (2) A committee—
- (a) must include a member or employee of the Distributor, but
  - (b) may also include persons who are neither members nor employees of the Distributor.

**Commencement Information**

**I8**   Sch. 5 para. 8 in force at 8.7.2005 by [S.I. 2005/1831](#), **art. 2**

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### *Status*

- 9 The Distributor shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

#### **Commencement Information**

- I9** Sch. 5 para. 9 in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

### *Supervision*

- 10 In Schedule 2 to the Parliamentary Commissioner Act 1967 (c. 13) (departments, &c. subject to investigation) insert at the appropriate place— “ Olympic Lottery Distributor. ”

#### **Commencement Information**

- I10** Sch. 5 para. 10 in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

### *Disqualification*

- 11 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (other disqualifying offices) insert at the appropriate place— “ Chairman, or member in receipt of remuneration, of the Olympic Lottery Distributor. ”

#### **Commencement Information**

- I11** Sch. 5 para. 11 in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

- 12 In Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (other disqualifying offices) insert at the appropriate place — “ Chairman, or member in receipt of remuneration, of the Olympic Lottery Distributor. ”

#### **Commencement Information**

- I12** Sch. 5 para. 12 in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

## **PART 2**

### **PROCEEDINGS**

#### *Delegation*

- 13 (1) The Distributor may delegate a function to—
- (a) a member,
  - (b) an employee,
  - (c) a committee, or
  - (d) any other person.

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- (2) The following provisions of section 25A of the National Lottery etc. Act 1993 (c. 39) (delegation) shall apply (with any necessary modifications) for the purposes of this paragraph as they apply for the purposes of that section—
- (a) subsection (4) (power to accept delegation),
  - (b) subsections (5) to (7) (sub-delegation), and
  - (c) subsections (8) to (11) (general).

**Commencement Information**

**I13** Sch. 5 para. 13 in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

*Directions of the Secretary of State<sup>F1</sup> or the Paymaster General*

**Textual Amendments**

**F1** Words in Sch. 5 para. 14 cross-heading inserted (22.8.2007) by [Transfer of Functions \(Olympics and Paralympics\) Order 2007 \(S.I. 2007/2129\)](#), [art. 1\(2\)](#), [Sch. para. 2\(i\)](#) (with [art. 4](#))

- 14 (1) In exercising its functions the Distributor shall comply with any direction given to it by the Secretary of State.
- (2) A direction under this paragraph may, in particular—
- (a) relate to the management and control of money received by the Distributor,
  - (b) relate to the terms and conditions on which grants or loans are made under section 30,
  - (c) require the Distributor to obtain the Secretary of State’s consent before taking action of a specified kind,
  - (d) require the Distributor to provide information,
  - (e) relate to the employment of staff, or
  - (f) with the consent of the Treasury, relate to—
    - (i) the form of accounts, or
    - (ii) methods and principles for the preparation of accounts.
- (3) Before giving a direction under this paragraph the Secretary of State shall consult the Distributor.

**Commencement Information**

**I14** Sch. 5 para. 14 in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

*Self-regulation*

- 15 The Distributor may, subject to this Schedule, regulate its own procedure and that of its committees (and in particular may specify a quorum for meetings).

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**Commencement Information**

**I15** Sch. 5 para. 15 in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

*Records*

- 16 In Schedule 1 to the Public Records Act 1958 (c. 51) (definition of public records) the following entry shall be inserted at the appropriate place in Part II of the Table at the end of paragraph 3— “ Olympic Lottery Distributor. ”

**Commencement Information**

**I16** Sch. 5 para. 16 in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

*Annual report*

- 17 (1) As soon as is reasonably practicable after the end of each financial year the Distributor shall send to the Secretary of State a report on the exercise of the Distributor’s functions during the year.
- (2) A report under sub-paragraph (1) shall, in particular, specify any directions given to the Distributor under paragraph 14 that had effect during the financial year to which the report relates.
- (3) The Secretary of State shall lay before Parliament a copy of each report received by him under this paragraph.

**Commencement Information**

**I17** Sch. 5 para. 17 in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

*Saving*

- 18 The validity of proceedings of the Distributor shall not be affected by—
- (a) a vacancy among its members, or
  - (b) a defect in the appointment of a person as Chairman or member.

**Commencement Information**

**I18** Sch. 5 para. 18 in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

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### PART 3

#### MONEY

##### *Remuneration, &c.*

- 19 (1) The Distributor may pay to the Chairman, another member or a member of a committee—
- (a) such remuneration as the Secretary of State may determine, and
  - (b) such travelling and other allowances as the Secretary of State may determine.
- (2) The Distributor may pay to or in respect of the Chairman or another member such sums as the Secretary of State may determine by way of, or in respect of, pensions, allowances or gratuities.
- (3) If the Secretary of State thinks that there are special circumstances that make it right for a person ceasing to hold office as Chairman or member of the Distributor to receive compensation, the Distributor may pay to him such compensation as the Secretary of State may determine.

#### **Commencement Information**

**I19** Sch. 5 para. 19 in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

- 20 (1) The Distributor may pay sums to or in respect of a member or former member of staff by way of or in respect of—
- (a) remuneration,
  - (b) allowances,
  - (c) pensions,
  - (d) gratuities, or
  - (e) compensation for loss of employment.
- (2) In Schedule 1 to the Superannuation Act 1972 (c. 11) (employment to which superannuation schemes may extend) in the list of other bodies insert at the appropriate place— “ The Olympic Lottery Distributor. ”

#### **Commencement Information**

**I20** Sch. 5 para. 20 in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

##### *Payments*

- 21 The Distributor may make payments in respect of expenditure (which may include expenditure of a capital nature) by—
- (a) the Distributor, or
  - (b) a person to whom it delegates functions under paragraph 13.

#### **Commencement Information**

**I21** Sch. 5 para. 21 in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

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### *Investment*

- 22 The Distributor may deposit money in an interest-bearing account (but may not otherwise invest).

#### **Commencement Information**

**I22** Sch. 5 para. 22 in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

### *Miscellaneous receipts*

- 23 (1) The Secretary of State may pay money to the Distributor for the purpose of enabling it to meet expenditure.
- (2) A payment under sub-paragraph (1)—
- (a) may not be used to make grants or loans under section 30,
  - (b) may be made only where the Secretary of State thinks the Distributor's income is or is likely to be insufficient to meet the expenditure to which the payment relates, and
  - (c) may be made on conditions (which may include conditions about repayment).

#### **Commencement Information**

**I23** Sch. 5 para. 23 in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

- 24 The Distributor may accept gifts.

#### **Commencement Information**

**I24** Sch. 5 para. 24 in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

### *Accounts*

- 25 (1) The Distributor shall—
- (a) keep proper accounting records, and
  - (b) prepare a statement of accounts in respect of each financial year.
- (2) The Distributor shall send a copy of a statement under sub-paragraph (1)(b)—
- (a) to the Secretary of State, and
  - (b) to the Comptroller and Auditor General.
- (3) A copy of a statement must be sent under sub-paragraph (2) within such period, beginning with the end of the financial year to which the statement relates, as the Secretary of State may, with the consent of the Treasury, direct.
- (4) The Comptroller and Auditor General shall—
- (a) examine, certify and report on a statement received under this paragraph, and
  - (b) lay a copy of the statement and his report before Parliament.

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**Commencement Information**

**I25** Sch. 5 para. 25 in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

*Financial year*

- 26 (1) The financial year of the Distributor shall be the period of 12 months ending with the 31st March.
- (2) But the first financial year of the Distributor shall be the period—
- (a) beginning with the coming into force of section 29, and
  - (b) ending with the following 31st March.

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**Commencement Information**

**I26** Sch. 5 para. 26 in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

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