
STATUTORY INSTRUMENTS

1999 No. 137

The National Lottery (Imposition of Penalties and Revocation of Licences) Procedure Regulations 1999

PART II

PROCEDURE IN RELATION TO ORAL REPRESENTATIONS TO THE DIRECTOR GENERAL IN RELATION TO THE IMPOSITION OF A PENALTY

Application of Part II

4. This Part of these Regulations applies in a case where the licensee has notified the Director General in consequence of section 10A(4)(b) of its intention to make oral representations.

Notice of hearing

5. The Director General shall send a written notice to the licensee of the date, time and place fixed for the holding of the hearing; such notice shall be sent at least seven days before the date so fixed.

Power to require particulars

6. The Director General may at any time direct the licensee to furnish any particulars which appear to him to be requisite in connection with the hearing within such time as the Director General may allow, being not less than seven days.

Admission to a hearing

7.—(1) Subject to the provisions of this regulation, a hearing shall be held in public.

(2) The Director General may direct that the whole or any part of a hearing be held in private if he is satisfied that by reason of—

- (a) the likelihood of disclosure of intimate personal or financial circumstances;
- (b) the likelihood of disclosure of commercially sensitive information or information obtained in confidence; or
- (c) exceptional circumstances not falling within sub-paragraph (a) or (b) above,

it is just and reasonable for him to do so.

(3) Where the hearing is in private the Director General may admit such persons as he considers appropriate.

(4) Notwithstanding the provisions of paragraph (2) and (3) above, a member of the Council on Tribunals or of the Scottish Committee of that Council is entitled to be present in his capacity as such even though the hearing or part of the hearing is not in public.

Appearance at hearing

8. The licensee shall appear at the hearing and may be represented by any person whom it may appoint for the purpose.

Procedure at hearing

9.—(1) Except as otherwise provided in these Regulations, the Director General shall determine the procedure at the hearing.

(2) The licensee shall be entitled to give evidence, call witnesses and address the Director General both on the evidence and generally on the proposal to impose a penalty.

(3) The Director General may from time to time adjourn the hearing.

Imposition of Penalty

10. If the licensee has notified the Director General in writing of its intention to make oral representations and having been duly notified of the hearing pursuant to regulation 5 above does not comply with the requirement in regulation 8 above to appear at the hearing, the financial penalty specified in the notice served by the Director General pursuant to section 10A(3) becomes payable on the seventh day after the day fixed for the hearing specified in the notice referred to in regulation 5 above.