

**1999 No. 137**

**NATIONAL LOTTERY**

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

<i>Made - - - -</i>	<i>25th January 1999</i>
<i>Laid before Parliament</i>	<i>26th January 1999</i>
<i>Coming into force</i>	<i>27th January 1999</i>

The Secretary of State, in exercise of the powers conferred on him by sections 10A(6) and 60(5) of, and paragraph 8(1) of Schedule 3 to, the National Lottery etc. Act 1993<sup>(a)</sup>, after consultation with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1992<sup>(b)</sup>, hereby makes the following Regulations:

PART I

GENERAL

**Citation, commencement and revocation**

1. These Regulations may be cited as the National Lottery (Imposition of Penalties and Revocation of Licences) Procedure Regulations 1999 and shall come into force on 27th January 1999.

2. The National Lottery (Revocation of Licences) Procedure Regulations 1994<sup>(c)</sup> are revoked.

**Interpretation**

3. In these Regulations:

“the Director General” means the Director General of the National Lottery or any member of his staff who has been authorised by him (whether generally or specifically) for the purpose;

“hearing” means a hearing at which oral representations may be heard;

“the licensee” means:—

(a) in Part II of these Regulations the holder of the licence in respect of which the Director General proposes to impose a financial penalty; and

(b) in Part III of these Regulations the licensee whose licence the Director General proposes to revoke;

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(a) 1993 c. 39. Section 10A was inserted by the National Lottery Act 1998 (c. 22).

(b) 1992 c. 53.

(c) S.I. 1994/1170.

“Schedule 3” means Schedule 3 to the National Lottery etc. Act 1993; and

“section 10A” means section 10A of the National Lottery etc. Act 1993.

## 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.

### PART III

#### PROCEDURE IN RELATION TO ORAL REPRESENTATIONS TO THE DIRECTOR GENERAL IN RELATION TO THE REVOCATION OF A LICENCE

##### **Application of Part III**

11. This Part of these Regulations applies in a case where the licensee has notified the Director General pursuant to paragraph 6(1)(c) of Schedule 3 of its intention to make oral representations.

##### **Notice of hearing**

12. 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**

13. 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**

14.—(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**

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

##### **Procedure at hearing**

16.—(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 revoke its licence.

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

##### **Revocation of licence**

17. If the licensee has not made any written representations pursuant to paragraph 6(1)(c) of Schedule 3 and having been duly notified of the hearing pursuant to regulation 12 above does not

comply with the requirement in regulation 15 above to appear at the hearing, the revocation of its licence shall take effect on the seventh day after the day fixed for the hearing specified in the notice referred to in regulation 12 above.

### **Reasons**

18. The Director General shall, except where regulation 17 above applies, send to the licensee a written statement of reasons (in summary form) for his decision whether or not to revoke the licence.

## **PART IV**

### **MISCELLANEOUS**

#### **Giving of notices**

19.—(1) Any notice or other document required or authorised to be sent to the licensee under these Regulations shall be duly sent if—

- (a) it is sent by post in a registered letter or by recorded delivery to, or delivered to, or left for, the secretary of the licensee at its registered or principal office in the United Kingdom or at the address stated in the notice of intention to make oral representations; or
- (b) it is transmitted by electronic means to an address stated as being for the purpose of receiving notices or other documents in the notice of intention to make oral representations and is in legible form capable of being used for subsequent reference.

(2) If a notice of intention to make oral representations is sent by registered post or recorded delivery, it shall be treated as if it had been received on the date on which it is received for despatch by the Post Office.

(3) If a notice of intention to make oral representations is transmitted by electronic means, it shall be treated as received on the date on which it was transmitted.

(4) In this regulation “the licensee” has the same meaning as in Part II of these Regulations or, as the case may be, Part III of these Regulations.

25th January 1999

*Chris Smith*  
Secretary of State for Culture, Media and Sport

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make provision for the procedure to be followed where a body corporate holding a licence granted under section 5 or 6 of the National Lottery etc. Act 1993 (the 1993 Act) wishes to make oral representations about a proposal by the Director General of the National Lottery (the Director General) either to impose a penalty in respect of the contravention of a condition of such a licence or to revoke such a licence.

Part II of the Regulations (regulations 4 to 10) makes provision for the procedure to be followed where the licensee has notified the Director General (in consequence of section 10A(4) (b) of the 1993 Act) of its intention to make oral representations about a proposal by the Director General to impose a financial penalty.

Part III of the Regulations (regulations 11 to 18) makes provision for the procedure to be followed where the licensee has notified the Director General (under paragraph 6(1)(c) of Schedule 3 to the 1993 Act) of its intention to make oral representations about a proposal by the Director General to revoke a licence.

Part IV of these Regulations (regulation 19) contains a general provision about the giving of notices etc.

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