

SCHEDULES

SCHEDULE 1

REPLACEMENT OF DIRECTOR GENERAL BY COMMISSION: SUPPLEMENTARY PROVISIONS

PART I

TRANSFERS ETC

Interpretation

- 1 In this Part of this Schedule—
- “the appointed day” means the day on which subsection (4) of the principal section comes into force under section 27(3) of this Act;
 - “the Commission” means the National Lottery Commission;
 - “the Director General” means the Director General of the National Lottery;
 - “instrument” includes orders, rules, regulations, schemes, licences, agreements and other documents;
 - “the principal section” means section 1 of this Act.

Transfer of property, rights and liabilities

- 2 On the appointed day, there shall by virtue of this paragraph be transferred to the Commission any property, rights or liabilities to which, immediately before that day, the Director General was entitled or subject in connection with any functions transferred to the Commission by the principal section.

Transfer of staff

- 3 (1) This paragraph applies to any person who, immediately before the appointed day, is employed by virtue of paragraph 3 of Schedule 2 to the 1993 Act.
- (2) Any contract of employment under which a person to whom this paragraph applies is so employed shall have effect as from the appointed day as if it had originally been made between him and the Commission.
- (3) Without prejudice to sub-paragraph (2) above—
- (a) all the rights, powers, duties and liabilities of the employer under or in connection with a contract to which that sub-paragraph applies shall by virtue of that sub-paragraph be transferred to the Commission on the appointed day, and
 - (b) anything done before that day by or in relation to the employer in respect of that contract or the employee shall be deemed from that day to have been done by or in relation to the Commission.

Status: This is the original version (as it was originally enacted).

- (4) Sub-paragraphs (2) and (3) above are without prejudice to any right of an employee to terminate his contract of employment if his working conditions are changed substantially to his detriment; but such a change shall not be taken to have occurred by reason only of the change in employer effected by sub-paragraph (2) above.
- (5) In sub-paragraph (4) above, the reference to an employee's working conditions includes a reference to any rights (whether accrued or contingent) under any pension or superannuation scheme of which he was a member by virtue of his employment immediately before the appointed day.

Construction of references to the Director General

- 4 Any enactment or instrument passed or made before the appointed day shall have effect, so far as necessary for the purposes of, or in consequence of, the transfers effected by the principal section and paragraphs 2 and 3 above, as if any reference to the Director General were a reference to the Commission.

Continuing validity of past acts

- 5 (1) Nothing in any other provision of the principal section or this Schedule shall affect the validity of anything done by or in relation to the Director General before the coming into force of that provision.
- (2) Anything (including legal proceedings) which immediately before the appointed day is in the process of being done by or in relation to the Director General may, if it relates to any of the functions, property, rights or liabilities transferred by the principal section or paragraph 2 or 3 above, be continued by or in relation to the Commission.
- (3) Any approval, authorisation, consent, delegation, direction, licence or appointment given, granted or made or other thing whatever done by the Director General for the purposes of any of the functions transferred by the principal section shall, if in force immediately before the appointed day, continue in force and have effect as if similarly given, granted, made or done by the Commission.

Final report and accounts of the Director General

- 6 (1) As respects any time on or after the appointed day, the duties imposed on the Director General in relation to—
 - (a) accounts, and
 - (b) the making of a report under section 14 of the 1993 Act,
 in respect of his last financial year, or any preceding financial year for which those duties have not been discharged, shall be discharged by the Commission.
- (2) Any reference in this paragraph to the Director General's last financial year is a reference to the financial year beginning with the 1st April last preceding the appointed day.
- (3) The duties imposed on the Commission by sub-paragraph (1) above shall be discharged by them as if the Director General's last financial year ended with the day preceding the appointed day (if it would not in fact do so).
- (4) The property transferred to the Commission by virtue of paragraph 2 above shall include the records of the Director General.

- (5) For the purposes of this paragraph, the amendments of section 14 of the 1993 Act made by paragraph 13 below shall be disregarded.
- (6) In this paragraph “financial year” means the twelve months beginning with 1st April in any year and ending with the 31st March next following.