



# Horserace Betting and Olympic Lottery Act 2004

## 2004 CHAPTER 25

An Act to make provision for the sale of the Tote; to make provision for the abolition of the horserace betting levy system; to make provision for the establishment of National Lottery games designed to raise money in connection with the hosting by London of the Olympic Games in 2012; and for connected purposes. [28th October 2004]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Modifications etc. (not altering text)

- C1** Act: functions cease to be exercisable concurrently (7.7.2010) by [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), [art. 7\(c\)](#)

## PART 1

### SALE OF THE TOTE

#### *Dissolution, and transfer of assets*

#### **1 Dissolution of the Tote**

- (1) On the appointed day the Horserace Totalisator Board shall by virtue of this section cease to exist.
- (2) In this Part “the appointed day” means a day appointed for the purposes of this section by the Secretary of State by order made by statutory instrument.

*Status: This version of this Act contains provisions that are prospective.*

**Changes to legislation:** Horserace Betting and Olympic Lottery Act 2004 is up to date with all changes known to be in force on or before 25 April 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

#### Modifications etc. (not altering text)

**C2** S. 1(2): 13.7.2011 appointed for the purposes of s. 1 by [S.I. 2011/1703](#), art. 2

#### Commencement Information

**I1** S. 1 in force at 25.2.2011 by [S.I. 2011/462](#), art. 2

## 2 Successor company: transfer

- (1) All property, rights and liabilities to which the Horserace Totalisator Board was entitled or subject immediately before the appointed day shall on that day vest in the successor company by virtue of this section.
- (2) In this Part “the successor company” means a company which—
  - (a) is nominated for the purposes of this section by the Secretary of State in writing before the appointed day, and
  - (b) on the appointed day is—
    - (i) a company formed and registered under [<sup>F1</sup>the Companies Act 2006] as a company limited by shares, and
    - (ii) wholly owned by the Crown.

#### Textual Amendments

**F1** Words in s. 2(2)(b)(i) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 221\(2\)](#) (with art. 10)

#### Commencement Information

**I2** S. 2 in force at 25.2.2011 by [S.I. 2011/462](#), art. 2

## 3 Sections 1 and 2: supplemental

- (1) Anything done by or in relation to the Horserace Totalisator Board which has effect immediately before the appointed day shall continue to have effect as if done by or in relation to the successor company.
- (2) Anything (including any legal proceedings) which immediately before the appointed day is in the process of being done by or in relation to the Board may be continued by or in relation to the successor company.
- (3) So far as necessary or appropriate in consequence of section 2, on and after the appointed day—
  - (a) a reference to the Board in an agreement (whether written or not), instrument or other document shall be treated as a reference to the successor company, and
  - (b) a reference in an agreement (whether written or not), instrument or other document to a member or officer of the Board shall be treated as a reference either—
    - (i) to a person appointed for the purpose in writing by the successor company, or

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- (ii) where no person is appointed under sub-paragraph (i), to the person who most nearly corresponds in relation to the successor company to that member or officer of the Board.
- (4) The successor company shall provide information on request about an appointment under subsection (3)(b)(i).
- (5) Section 2(1) shall operate in relation to property, rights or liabilities—
  - (a) whether or not they would otherwise be capable of being transferred by the Board,
  - (b) without any instrument or other formality being required, and
  - (c) irrespective of any requirement for consent that would otherwise apply.
- (6) In so far as section 2 transfers to the successor company liabilities under contracts of employment—
  - (a) nothing in that section or this section shall affect the operation of the [F2Transfer of Undertakings (Protection of Employment) Regulations 2006], and
  - (b) the Secretary of State shall not appoint the appointed day unless satisfied that sufficient notice has been given to enable compliance with any applicable requirement of those regulations.
- (7) An order under section 1 may include consequential, incidental or transitional provision.
- (8) The Secretary of State shall consult the Board before nominating the successor company.
- (9) The Secretary of State shall consult the Board and the successor company before appointing the appointed day.
- (10) A nomination under section 2(2)(a) may be revoked (and replaced) before the appointed day.

#### Textual Amendments

- F2** Words in s. 3(6)(a) substituted (with application in accordance with reg. 21(1) of the amending S.I.) by [The Transfer of Undertakings \(Protection of Employment\) Regulations 2006 \(S.I. 2006/246\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 1\(j\)](#)

#### Commencement Information

- I3** [S. 3](#) in force at 25.2.2011 by [S.I. 2011/462](#), [art. 2](#)

## 4 Tax

- (1) For the purposes of any enactment about income tax, corporation tax or capital gains tax—
  - (a) the successor company and the Horserace Totalisator Board shall be treated as the same person, and
  - (b) in particular, the transfer effected by section 2 shall be disregarded.
- (2) The transfer effected by section 2—

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- (a) shall be disregarded for the purpose of section 12 of the Finance Act 1895 (c. 16) (duty on property vested by Act, &c.), and
  - (b) shall not give rise to liability under an enactment about stamp duty or stamp duty land tax in respect of anything done (by any person) before the transfer.
- (3) Nothing in this Part constitutes arrangements for the purposes of—
- (a) section 42(2) of the Finance Act 1930 (c. 28) (relief from stamp duty),
  - (b) section 27(3) of the Finance Act 1967 (c. 54) (stamp duty), or
  - (c) paragraph 2 of Schedule 7 to the Finance Act 2003 (c. 14) (relief from stamp duty land tax).

#### Commencement Information

**I4** [S. 4](#) in force at 25.2.2011 by [S.I. 2011/462](#), [art. 2](#)

### *Operation of successor company*

## 5 Pre-sale issue of shares, &c. to government

- (1) The successor company shall comply with any request of the Secretary of State to issue securities to—
  - (a) the Secretary of State, or
  - (b) a person nominated by the Secretary of State.
- (2) A request under subsection (1) may include provision about—
  - (a) the nature and nominal value of securities to be issued;
  - (b) timing;
  - (c) terms of issue.
- (3) A request under subsection (1) requiring the issue of shares shall specify the nominal value of the shares to be issued; and the shares—
  - (a) shall be issued as fully paid,
  - (b) shall be treated for the purposes of the [<sup>F3</sup>the Companies Act 2006] as having been paid up by virtue of payment of their nominal value in cash, and
  - (c) shall be treated for the purposes of the Corporation Tax Acts as if they had been issued wholly in consideration of a subscription of an amount equal to their nominal value.
- (4) A debenture issued in accordance with a request under subsection (1) shall be treated for the purposes of the Corporation Tax Acts as if it had been issued wholly in consideration of a loan of an amount equal to the principal sum payable under the debenture.
- (5) A request under subsection (1)—
  - (a) may be made before, on or after the appointed day, but
  - (b) may not be made after the successor company has ceased to be wholly owned by the Crown.
- (6) The Secretary of State shall not make a request under subsection (1) without the consent of the Treasury.

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- (7) Where a security is issued in accordance with a request under subsection (1) to the Secretary of State or his nominee, neither the Secretary of State nor his nominee may dispose of the security without the consent of the Treasury.

#### Textual Amendments

- F3** Words in s. 5(3)(b) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 221(3)** (with art. 10)

#### Commencement Information

- I5** [S. 5](#) in force at 25.2.2011 by [S.I. 2011/462](#), **art. 2**

## 6 Accounts

- (1) This section applies for the purposes of statutory accounts prepared by the successor company.
- (2) The transfer effected by section 2(1) shall be treated as having—
- (a) occurred immediately after the end of the last complete accounting year of the Horserace Totalisator Board, and
  - (b) transferred all property, rights and liabilities to which the Board was entitled or subject immediately before the end of that year.
- (3) For the purpose of subsection (2)(b) in its application to accounts of the successor company the value of an asset, or the amount of a liability, on transfer shall be taken as the value or amount assigned for the purposes of the corresponding accounts of the Board for its last complete accounting year.
- (4) The amount to be included in the accounts in respect of an asset or liability shall be determined as if anything done by the Board had been done by the successor company.
- (5) An amount included in the accounts for the Board's last complete accounting year as accumulated realised profits retained by the Board shall be treated as if realised and retained by the successor company.
- (6) Before the preparation of the successor company's first set of statutory accounts for a complete accounting year, [<sup>F4</sup>sections 836 to 840 of the Companies Act 2006] (distribution: justification by reference to accounts) shall apply as if the successor company had prepared accounts for the relevant period in accordance with the preceding provisions of this section.
- (7) In this section "statutory accounts" means accounts prepared for the purpose of a provision of [<sup>F5</sup>the Companies Act 2006].

#### Textual Amendments

- F4** Words in s. 6(6) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), **Sch. 1 para. 231(2)(a)** (with arts. 6, 11, 12)
- F5** Words in s. 6(7) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), **Sch. 1 para. 231(2)(b)** (with arts. 6, 11, 12)

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#### Commencement Information

**I6** S. 6 in force at 25.2.2011 by S.I. 2011/462, art. 2

### 7 Shadow directors

While the successor company is wholly owned by the Crown, neither the Secretary of State nor the Treasury shall be treated as a shadow director of the successor company for the purpose of any provision of [F6the Companies Acts (as defined in section 2 of the Companies Act 2006)].

#### Textual Amendments

**F6** Words in s. 7 substituted (1.10.2007) by Companies Act 2006 (Commencement No.3, Consequential Amendments, Transitional Provisions and Savings) Order 2007 (S.I. 2007/2194), art. 1(3)(a), Sch. 4 para. 103 (with art. 12)

#### Commencement Information

**I7** S. 7 in force at 25.2.2011 by S.I. 2011/462, art. 2

### *Post-transfer control of horserace pool betting*

### 8 Exclusive licence

- (1) The Gaming Board shall, if the Secretary of State so requires, issue to the successor company a licence (referred to in this Part as “the exclusive licence”) granting the successor company the right—
  - (a) to carry on pool betting business (in any form) in connection with horse races on approved horse racecourses,
  - (b) by way of business to receive or negotiate bets in connection with horse races on approved horse racecourses on terms that all or part of the winnings shall be calculated or regulated directly or indirectly by reference to the amounts or rates of payments or distributions in respect of winning bets made by way of pool betting, and
  - (c) to provide facilities in relation to a matter mentioned in paragraph (a) or (b).
- (2) The exclusive licence shall, unless revoked under subsection (7), have effect for the period of seven years beginning with the date of issue.
- (3) In requiring the issue of the exclusive licence the Secretary of State may specify terms or conditions of the licence.
- (4) The Secretary of State—
  - (a) may require the issue of the exclusive licence before, on or after the appointed day,
  - (b) may require the issue of the exclusive licence after the successor company has ceased to be wholly owned by the Crown, and
  - (c) may not require the issue of the exclusive licence more than once.
- (5) While the exclusive licence has effect—

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- (a) the successor company may authorise one or more other persons to do anything that the successor company is authorised to do by the exclusive licence, and
  - (b) a person other than the successor company may not do anything that the successor company is authorised to do by the exclusive licence, except in accordance with an authorisation under paragraph (a).
- (6) An authorisation under subsection (5)(a) may be given on terms and conditions; which may, in particular, include provision—
  - (a) for payment to or by the successor company;
  - (b) for agency or commission;
  - (c) about facilities to be provided by the successor company under subsection (1) (c).
- (7) The Gaming Board—
  - (a) may make an order revoking the exclusive licence if they think that a term or condition of the licence has been breached, and
  - (b) shall make an order revoking the exclusive licence if the Secretary of State so directs.
- (8) A direction of the Secretary of State under subsection (7)(b) shall specify the reasons for the direction.
- (9) An order revoking the exclusive licence—
  - (a) must specify the reasons for the revocation (or, in the case of revocation pursuant to a direction under subsection (7)(b), the reasons for the direction specified under subsection (8)), and
  - (b) shall take effect at such time as the order may specify.
- (10) The Secretary of State may require revocation under subsection (7)(b) only while the successor company is wholly owned by the Crown.
- (11) The exclusive licence may not be—
  - (a) renewed, or
  - (b) issued or revoked otherwise than in accordance with subsection (1) or (7).

#### Modifications etc. (not altering text)

**C3** [S. 8](#) modified by SI 2006/3272 art. 7(1) (as inserted (16.8.2007) by [The Gambling Act 2005 \(Commencement No. 6 and Transitional Provisions\) \(Amendment\) \(No. 2\) Order 2007 \(S.I. 2007/2169\)](#), arts. 1(1), 5)

#### Commencement Information

**I8** [S. 8](#) in force at 25.2.2011 by [S.I. 2011/462](#), art. 2

## 9 Section 8: supplemental

- (1) In considering whether to require the Gaming Board to issue or revoke the exclusive licence the Secretary of State shall consider whether the issue or revocation—
  - (a) would be in the best interests of members of the public who are in the habit of placing bets on horse races;
  - (b) would be in the best interests of the sport of horse racing;

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- (c) would promote the objectives of—
  - (i) preventing betting from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
  - (ii) ensuring that betting is conducted in a fair and open way, and
  - (iii) protecting children and other vulnerable persons from being harmed or exploited by betting.
- (2) While the exclusive licence has effect—
  - (a) sections 4(1) and 4A(1) of the Betting, Gaming and Lotteries Act 1963 (c. 2) (restriction on pool betting) (as substituted by section 10 of this Act) shall not apply in relation to anything done—
    - (i) by the successor company in pursuance of the exclusive licence, or
    - (ii) in accordance with an authorisation under section 8(5)(a) above, and
  - (b) nothing in section 4 or 4A of that Act shall prejudice the generality of section 8(5)(b) above.
- (3) While the exclusive licence has effect—
  - (a) the successor company or a person authorised under section 8(5)(a) above may apply under section 9(2) of that Act for the grant or renewal of a betting office licence authorising the use of premises for carrying on activity in accordance with the exclusive licence,
  - (b) a betting office licence under section 9(2) of that Act shall not authorise the use of premises for doing anything prohibited by section 8(5)(b), and
  - (c) section 9(1) of that Act disapplies section 1(1) of that Act only in relation to activity authorised by a betting office licence.
- (4) While the exclusive licence has effect—
  - (a) the successor company shall not be treated as a bookmaker for the purposes of that Act by virtue of anything done in accordance with the exclusive licence, and
  - (b) a person authorised under section 8(5)(a) above shall not be treated as a bookmaker for the purposes of that Act by virtue of anything done in accordance with the authorisation.
- (5) A person who acts in contravention of section 8(5)(b) above shall be treated as having committed an offence under—
  - (a) section 4(1) of that Act, in the case of anything done on a track, or
  - (b) section 4A(1) of that Act, in the case of anything done otherwise than on a track,
 whether or not he otherwise would have committed the offence.
- (6) If a person commits or threatens a breach of section 8(5)(b), the successor company may (whether or not criminal proceedings are instituted against him by virtue of subsection (5) above) proceed against him in the High Court or [<sup>F7</sup>the county court] for damages or such other relief as the court thinks appropriate.
- (7) Subsection (6) is subject to—
  - (a) Civil Procedure Rules, and
  - (b) section 1 of the Courts and Legal Services Act 1990 (c. 41) (allocation of business between High Court and county courts).



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### Textual Amendments

- F7** Words in s. 9(6) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 52; S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

### Commencement Information

- I9** S. 9(1)(4)(6)(7) in force at 25.2.2011 by [S.I. 2011/462, art. 2](#)

## PROSPECTIVE

### 10 Control when no exclusive licence

- (1) For section 4 of the Betting, Gaming and Lotteries Act 1963 (c. 2) (restriction on pool betting) substitute—

#### “4 Restriction on pool betting on track

- (1) A person commits an offence if he carries on pool betting business on a track unless subsection (2), (3) or (5) applies.
- (2) This subsection applies to pool betting business which is in connection with horse racing and which is carried on—
  - (a) by the holder of a bookmaker’s permit,
  - (b) on an approved horse racecourse,
  - (c) on a day on which one or more horse races take place on the racecourse, and
  - (d) in accordance with Part 2 of Schedule 1A.
- (3) This subsection applies to pool betting business in connection with horse racing carried on—
  - (a) on an approved horse racecourse, and
  - (b) in accordance with a notice (to be known as a “point-to-point exemption notice”) issued by the Gaming Board under this subsection.
- (4) A point-to-point exemption notice—
  - (a) may be issued by the Gaming Board in response to an application in writing,
  - (b) must relate to horse racing to be carried on along a single course specified in the notice,
  - (c) must specify a maximum number of days, not exceeding 7, on which horse racing may be carried on in reliance on the notice,
  - (d) may specify other conditions which relate to—
    - (i) the operation of a totalisator,
    - (ii) the publication of terms on which pool bets may be made (and a condition may, in particular, relate to minimum stakes, or deductions), or
    - (iii) compliance with terms published under sub-paragraph (ii),

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- (e) must specify a calendar year during which the notice has effect, and
  - (f) must be issued before the beginning of that year.
- (5) This subsection applies to pool betting business which is in connection with dog racing and which is carried on—
- (a) on a dog racecourse which is a licensed track, and
  - (b) by means of a totalisator operated—
    - (i) in accordance with section 16, and
    - (ii) by the occupier of the track or by a person authorised by him in writing.

#### **4A Restriction on pool betting off track**

- (1) A person commits an offence if he carries on pool betting business otherwise than on a track, unless subsection (2), (3) or (4) applies.
- (2) This subsection applies to pool betting business which is in connection with horse racing and which is carried on—
  - (a) by the holder of a bookmaker’s permit, and
  - (b) in accordance with Part 2 of Schedule 1A.
- (3) This subsection applies to pool betting business which is carried on by a person registered for the purpose of this subsection (in this Act referred to as a “registered pool promoter”); and Schedule 2 to this Act (registration and conduct of business) shall have effect.
- (4) This subsection applies to pool betting business carried on in accordance with a licensed inter-track betting scheme.

#### **4B Regulation of horserace pool betting**

- (1) Schedule 1A (which provides for the regulation of pool betting business in connection with horse racing) shall have effect.
- (2) Subsection (3) applies where—
  - (a) a condition imposed by Part 2 of that Schedule requires or may require a person to act after the conclusion of a race or set of races in relation to which he conducts pool betting business, and
  - (b) the person fails, in respect of a matter wholly or partly relating to that race or set of races, to comply with the condition after that conclusion.
- (3) The pool betting business carried on by the person in relation to the race or set of races shall be treated as not having been carried on in accordance with Part 2 of that Schedule.
- (4) Subsection (5) applies where a person who has received or negotiated bets made by way of pool betting in connection with horse racing fails to comply with a requirement of Part 3 of that Schedule.
- (5) Any pool betting business which was carried on by the person and to which the requirement was or might have been relevant shall be treated as not having been carried on in accordance with Part 2 of that Schedule.”

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- (2) After Schedule 1 to that Act (bookmakers' permits, &c.) insert the Schedule 1A set out in Schedule 1 to this Act (regulation of horserace pool betting).
- (3) Sections 281 and 282 of the Criminal Justice Act 2003 (c. 44) (increases in maximum terms of imprisonment) shall apply to the Betting, Gaming and Lotteries Act 1963 (c. 2) as amended by this section.

## General

### 11 Preparatory work by the Tote

- (1) The Horserace Totalisator Board may do anything that it or the Secretary of State thinks necessary or expedient in connection with—
  - (a) a provision of this Part,
  - (b) the operation of the successor company on or after the appointed day, or
  - (c) the listing, issue, sale or other disposal of securities of the successor company or a company associated with it.
- (2) The Board shall so far as is reasonably practicable comply with—
  - (a) any request of the Secretary of State to provide information or assistance in connection with a matter specified in subsection (1)(a) to (c), and
  - (b) any direction of the Secretary of State made in connection with a matter specified in subsection (1)(a) to (c).
- (3) Before making a request or giving a direction under subsection (2) the Secretary of State shall consult the Board.

#### Commencement Information

**I10** S. 11 in force at 1.1.2005 by S.I. 2004/3283, art. 3

### 12 Interpretation

- (1) In this Part “the Gaming Board” means the Gaming Board for Great Britain (established under section 10 of the Gaming Act 1968 (c. 65)).
- (2) For the purposes of this Part a company is wholly owned by the Crown if all its shares are held by the Crown.
- (3) For the purposes of subsection (2) shares are held by the Crown if they are held—
  - (a) by a Minister of the Crown,
  - (b) by the nominee of a Minister of the Crown, or
  - (c) by a company of which all the shares are held by the Crown.
- (4) In this Part “securities” means shares (including stock), debentures, bonds and other securities, whether constituting a charge on the assets of a company or not.
- (5) An expression used in this Part which is given a meaning by [<sup>F8</sup>the Companies Acts (as defined in section 2 of the Companies Act 2006)] for general purposes of that Act shall have the same meaning for the purposes of this Part.

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- (6) An expression used in this Part and in the Betting, Gaming and Lotteries Act 1963 (c. 2) shall have the same meaning in this Part as in that Act.

#### Textual Amendments

- F8** Words in [s. 12](#) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), [art. 2\(2\)](#), [Sch. 1 para. 231\(3\)](#) (with [arts. 6, 11, 12](#))

#### Commencement Information

- I11** [S. 12](#) in force at 1.1.2005 for specified purposes by [S.I. 2004/3283](#), [art. 4](#)  
**I12** [S. 12](#) in force at 25.2.2011 for specified purposes by [S.I. 2011/462](#), [art. 2](#)

### 13 Consequential amendments

Schedule 2 (consequential amendments) shall have effect.

#### Commencement Information

- I13** [S. 13](#) in force at 13.7.2011 for specified purposes by [S.I. 2011/1704](#), [art. 2](#)

### 14 Extent

This Part shall not extend to Northern Ireland.

#### Commencement Information

- I14** [S. 14](#) in force at 8.4.2005 by [S.I. 2005/1134](#), [art. 2](#)

## PART 2

### ABOLITION OF THE HORSERACE BETTING LEVY SYSTEM

PROSPECTIVE

### 15 Abolition of levy

- (1) The Secretary of State may by order made by statutory instrument—
- repeal any of sections 24 to 30 of the Betting, Gaming and Lotteries Act 1963 (levy);
  - repeal a provision of the Horserace Betting Levy Act 1969 (c. 14);
  - repeal a provision of the Horserace Betting Levy Act 1981 (c. 30);
  - provide for the Horserace Betting Levy Board to cease to exist.
- (2) An order under subsection (1) may—
- repeal different provisions at different times;
  - repeal a provision generally or only to a specified extent;

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- (c) make consequential provision (which may include provision amending or repealing an enactment, in addition to the provision made by section 17 and Schedule 4).
- (3) An order under subsection (1) may make transitional provision or savings, which may include provision—
  - (a) modifying the effect of a provision pending its repeal;
  - (b) about the conduct of the Horserace Betting Levy Board pending the repeal of section 24 of the Betting, Gaming and Lotteries Act 1963;
  - (c) about the conduct of the Bookmakers' Committee pending the repeal of section 26 of that Act;
  - (d) about the conduct of an appeal tribunal pending the repeal of section 29 of that Act.
- (4) An order under subsection (1) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## PROSPECTIVE

### 16 Property of the Levy Board

- (1) In this Part “transfer scheme” means a scheme providing for the transfer of specified property, rights and liabilities of the Horserace Betting Levy Board—
  - (a) to a person specified in the scheme, and
  - (b) at a time specified in the scheme.
- (2) If the Secretary of State directs the Board to make and submit to the Secretary of State a transfer scheme—
  - (a) the Board shall comply with the direction,
  - (b) the Secretary of State may approve the scheme with or without modification, and
  - (c) if approved, the scheme shall have effect.
- (3) A direction of the Secretary of State under subsection (2)—
  - (a) shall specify a date by which the transfer scheme is to be made;
  - (b) may specify property, rights or liabilities to be transferred by the transfer scheme;
  - (c) may specify to whom property, rights or liabilities are to be transferred by the transfer scheme.
- (4) The Secretary of State may make a transfer scheme if—
  - (a) the Board fails to comply with a direction under subsection (2), or
  - (b) the Secretary of State decides not to approve a scheme submitted under that subsection.
- (5) A transfer scheme made under subsection (4) shall have effect.
- (6) The Secretary of State shall not make or approve a transfer scheme under this section unless satisfied that any property or rights transferred will be used or exercised for the purpose of—
  - (a) the improvement of breeds of horses,

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- (b) the advancement or encouragement of veterinary science or veterinary education, or
  - (c) the improvement of horse racing.
- (7) Schedule 3 (which makes supplementary provision in connection with directions and schemes under this section) shall have effect.

## PROSPECTIVE

### 17 Consequential amendments

- (1) The Secretary of State—
- (a) may bring this section into force by provision included in an order made under section 15(1), and
  - (b) shall not make an order under section 15(1)(d) providing for the Horserace Betting Levy Board to cease to exist unless the order also makes provision, or an earlier order under section 15(1) has made provision, bringing this section into force at or before the time when that Board ceases to exist.
- (2) Schedule 4 (consequential amendments) shall have effect.
- (3) A certificate of approval issued under section 13 of the Betting, Gaming and Lotteries Act 1963 (c. 2) before the coming into force of this section (“commencement”)—
- (a) shall continue to have effect after commencement as if issued by the Gaming Board for Great Britain under that section as amended by Schedule 4,
  - (b) may be revoked by the Gaming Board for Great Britain, and
  - (c) shall expire at the end of the period of three years beginning with the date of commencement (but without prejudice to the power to issue a new certificate).

## PROSPECTIVE

### 18 Tax

- (1) The Treasury may make regulations providing—
- (a) for a tax provision not to apply, or to apply with modifications, in respect of anything done under or in consequence of a transfer scheme;
  - (b) for anything done under or in consequence of a transfer scheme to have or not have a specified consequence, or to be treated in a specified way, for the purposes of a tax provision;
  - (c) for anything done in connection with, or done by a person with rights in connection with, anything that was at any time transferred under a transfer scheme, to have or not have a specified consequence, or to be treated in a specified way, for the purposes of a tax provision;
  - (d) for a tax provision not to apply, or to apply with modifications, in respect of anything transferred under a transfer scheme;
  - (e) for anything transferred under a transfer scheme to be treated in a specified way for the purposes of a tax provision;

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- (f) for the withdrawal of relief (whether or not granted by virtue of the regulations), and the charging of tax, in connection with anything done under or in consequence of a transfer scheme where a specified event occurs, or specified conditions are satisfied, whether on or after the commencement of the scheme;
  - (g) for a power under this Part, or anything done in exercise of a power under this Part, to have or not have a specified consequence, or to be treated in a specified way, for the purposes of a tax provision.
- (2) In subsection (1) “tax provision” means a provision of an enactment about income tax, corporation tax, capital gains tax, stamp duty, stamp duty land tax or stamp duty reserve tax.
- (3) Regulations under this section—
- (a) shall be made by statutory instrument, and
  - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

PROSPECTIVE

## 19 Interpretation: “enactment”

In this Part “enactment” includes an Act of the Scottish Parliament.

## 20 Extent

This Part shall not extend to Northern Ireland.

### Commencement Information

**I15** [S. 20](#) in force at 8.4.2005 by [S.I. 2005/1134](#), [art. 2](#)

## PART 3

### NATIONAL LOTTERY: OLYMPIC LOTTERIES

### Modifications etc. (not altering text)

**C4** Pt. 3: functions made partly exercisable concurrently (22.8.2007) by [Transfer of Functions \(Olympics and Paralympics\) Order 2007 \(S.I. 2007/2129\)](#), arts. 1(2), [3\(1\)\(2\)\(c\)](#), (with [art. 4](#))



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## Olympic Lotteries

### 21 Licensing of Olympic Lotteries

- (1) A licence under section 6 of the National Lottery etc. Act 1993 (c. 39) (licence authorising a body to promote lotteries as part of the National Lottery) may designate a lottery to which the licence relates as an Olympic Lottery.
- (2) A licence under section 5 of that Act (licence to run the National Lottery) must include provision—
  - (a) for determining in respect of any period the proportion of proceeds of lotteries forming part of the National Lottery that is attributable to Olympic Lotteries, or
  - (b) enabling the [<sup>F9</sup>Gambling] Commission to determine that proportion in respect of any period.
- (3) A designation under subsection (1) may be made only while provision under subsection (2) has effect.
- (4) In respect of a licence under section 5 of that Act that has effect when this section comes into force—
  - (a) the Commission shall, after consulting the licensee, vary the licence so as to introduce provision of a kind specified in subsection (2)(a) or (b) above, and
  - (b) the variation shall take effect at such time as the Commission shall specify (whether or not the licensee consents).

#### Textual Amendments

- F9** Word in s. 21(2)(b) substituted (1.10.2013) by [The Public Bodies \(Merger of the Gambling Commission and the National Lottery Commission\) Order 2013 \(S.I. 2013/2329\)](#), art. 1(2), [Sch. para. 27\(a\)](#) (with [art. 8](#), [Sch. para. 43](#))

#### Commencement Information

- I16** S. 21 in force at 8.4.2005 by [S.I. 2005/1134](#), [art. 2](#)

### 22 Timing

- (1) This section applies to a licence under section 6 of the National Lottery etc. Act 1993 (c. 39) which designates a lottery to which the licence relates as an Olympic Lottery.
- (2) A licence to which this section applies must include a condition prohibiting the promotion of an Olympic Lottery unless the Secretary of State has by order declared that the International Olympic Committee has elected London as the host city for the 2012 Olympic Games.
- (3) Subsection (4) applies if the Secretary of State<sup>F10</sup> ... by order declares—
  - (a) that the International Olympic Committee has elected a city other than London as the host city for the 2012 Olympic Games, or
  - (b) that the election of London by the International Olympic Committee as the host city for the 2012 Olympic Games has been revoked.
- (4) Where this subsection applies—



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- (a) a licence to which this section applies shall cease to have effect in so far as it relates to an Olympic Lottery on such date as may be specified in the order under subsection (3), and
  - (b) the National Lottery Commission may not grant a licence to which this section applies.
- (5) If the Secretary of State<sup>F10</sup> ... by order specifies a date as the termination date for the purposes of this section—
- (a) any licence to which this section applies that has effect immediately before the termination date shall cease to have effect on that date in so far as it relates to an Olympic Lottery, and
  - (b) the [<sup>F11</sup>Gambling] Commission may not grant a licence to which this section applies in respect of a period of time falling wholly or partly on or after the termination date.

#### Textual Amendments

**F10** Words in s. 22 omitted (7.7.2010) by virtue of [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), art. 1(2), **Sch. para. 4(a)**

**F11** Word in s. 22(5)(b) substituted (1.10.2013) by [The Public Bodies \(Merger of the Gambling Commission and the National Lottery Commission\) Order 2013 \(S.I. 2013/2329\)](#), art. 1(2), **Sch. para. 27(b)** (with art. 8, Sch. para. 43)

#### Commencement Information

**I17** S. 22 in force at 8.4.2005 by [S.I. 2005/1134](#), art. 2

### *Olympic Lottery Distribution Fund*

## 23 The Fund

There shall be a fund maintained under the control and management of the Secretary of State<sup>F12</sup> ... and known as the Olympic Lottery Distribution Fund.

#### Textual Amendments

**F12** Words in s. 23 omitted (7.7.2010) by virtue of [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), art. 1(2), **Sch. para. 4(b)**

#### Commencement Information

**I18** S. 23 in force at 8.4.2005 by [S.I. 2005/1134](#), art. 2

## 24 Payments into Fund from lottery proceeds

- (1) Where a sum is required by virtue of section 5(6) of the National Lottery etc. Act 1993 (c. 39) (as substituted by section 34 of this Act) to be paid into the National Lottery Distribution Fund out of proceeds of lotteries in respect of a period, such proportion of that sum as is determined in accordance with section 21(2) or (4) of this Act to be attributable to Olympic Lotteries shall be paid instead into the Olympic Lottery Distribution Fund.

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- (2) Section 9(3) of that Act (as substituted by section 34 of this Act) shall have effect in relation to the Olympic Lottery Distribution Fund and sums due to be paid into it as it has effect in relation to the National Lottery Distribution Fund and sums due to be paid into it.

#### Commencement Information

**I19** S. 24 in force at 8.4.2005 by [S.I. 2005/1134](#), [art. 2](#)

## 25 Payments into Fund from National Lottery Distribution Fund

- (1) The Secretary of State may make an order permitting the Secretary of State to make payments from the National Lottery Distribution Fund into the Olympic Lottery Distribution Fund.
- (2) A payment by virtue of an order under subsection (1) shall be treated as if paid out of money allocated for such of the purposes listed in section 22(3) of the National Lottery etc. Act 1993 (apportionment of money in Distribution Fund) as the order shall specify.
- (3) Before making an order under subsection (1) the Secretary of State shall consult each of the bodies for the time being mentioned in section 23 of that Act.

#### Commencement Information

**I20** S. 25 in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

## 26 Payments out of Fund

- (1) The Secretary of State<sup>F13</sup>... may pay sums from the Olympic Lottery Distribution Fund to the Olympic Lottery Distributor.
- (2) The Secretary of State<sup>F13</sup>... may make regulations permitting payments from the Olympic Lottery Distribution Fund—
- in respect of expenses of the Secretary of State<sup>F13</sup>... in connection with functions under this Part;
  - in respect of expenses incurred or to be incurred by the National Debt Commissioners in making investments under section 27;
  - into the National Lottery Distribution Fund;
  - to the Greater London Authority;
  - to the National Olympic Committee;
  - into the Consolidated Fund for the purpose of meeting payments made or to be made under paragraph 10 of [<sup>F14</sup>Schedule 4 to the Gambling Act 2005, so far as those payments relate to expenses of the Gambling Commission incurred or to be incurred in exercising its relevant functions] .
- (3) Regulations by virtue of subsection (2)(a) and (b) shall permit payment only with the consent of the Treasury.
- (4) Regulations by virtue of subsection (2)(c) shall in respect of each payment specify, or enable the Secretary of State<sup>F13</sup>... to specify, whether it is to be—

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- (a) treated as having been paid into the National Lottery Distribution Fund by virtue of section 5(6) of the National Lottery etc. Act 1993 (c. 39) (general payments into fund), or
  - (b) allocated entirely for expenditure on or connected with sport and held in accordance with section 23(2) of that Act (distributing bodies for sports).
- (5) Regulations by virtue of subsection (2)(c) may, in respect of a payment allocated in accordance with subsection (4)(b) provide, or enable the Secretary of State<sup>F13</sup>... to provide, for section 23(2) of that Act to apply with specified modifications (which may, in particular, include modifications reducing a distributor's share to nil).
- (6) Money paid to the Greater London Authority by virtue of subsection (2)(d) may be used by the Authority for any purpose for which it is authorised to incur expenditure.
- [<sup>F15</sup>(7) In subsection (2)(f) “relevant functions” means functions conferred or imposed under or by virtue of—
- (a) a provision of the National Lottery etc. Act 1993 other than section 10C,
  - (b) this Part, and
  - (c) section 6(2) of the National Lottery Act 2006.]

#### Textual Amendments

- F13** Words in s. 26 omitted (7.7.2010) by virtue of [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), art. 1(2), **Sch. para. 4(c)**
- F14** Words in s. 26(2)(f) substituted (1.10.2013) by [The Public Bodies \(Merger of the Gambling Commission and the National Lottery Commission\) Order 2013 \(S.I. 2013/2329\)](#), art. 1(2), **Sch. para. 27(c)(i)** (with art. 8, Sch. para. 43)
- F15** S. 26(7) inserted (1.10.2013) by [The Public Bodies \(Merger of the Gambling Commission and the National Lottery Commission\) Order 2013 \(S.I. 2013/2329\)](#), art. 1(2), **Sch. para. 27(c)(ii)** (with art. 8, Sch. para. 43)

#### Commencement Information

- I21** S. 26 in force at 8.7.2005 by [S.I. 2005/1831](#), **art. 2**

## 27 Investment

- (1) Money in the Olympic Lottery Distribution Fund may be paid to the National Debt Commissioners and invested by them.
- (2) Proceeds of an investment under this section—
  - (a) may be re-invested by the National Debt Commissioners, and
  - (b) unless re-invested, shall be paid into the Olympic Lottery Distribution Fund.
- (3) In exercising a function under this section the National Debt Commissioners shall comply with any direction of the Treasury.

#### Commencement Information

- I22** S. 27 in force at 8.7.2005 by [S.I. 2005/1831](#), **art. 2**

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## 28 Winding up

- (1) The Secretary of State<sup>F16</sup> ... may by order make provision for the winding up of the Olympic Lottery Distribution Fund.
- (2) An order under this section shall provide, in particular, for any money in or due to the Olympic Lottery Distribution Fund to be paid into the National Lottery Distribution Fund.
- (3) An order under this section shall in respect of any payment specify, or enable the Secretary of State<sup>F16</sup> ... to specify, whether it is to be—
  - (a) treated as having been paid into the National Lottery Distribution Fund by virtue of section 5(6) of the National Lottery etc. Act 1993 (general payments into fund), or
  - (b) allocated entirely for expenditure on or connected with sport and held in accordance with section 23(2) of that Act (distributing bodies for sports).
- (4) Provision by virtue of subsection (3)(b) may provide for section 23(2) of that Act to apply with specified modifications (which may, in particular, include modifications reducing a distributor's share to nil).

### Textual Amendments

**F16** Words in s. 28 omitted (7.7.2010) by virtue of [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), art. 1(2), [Sch. para. 4\(d\)](#)

### Commencement Information

**I23** S. 28 in force at 8.4.2005 by [S.I. 2005/1134](#), art. 2

## Olympic Lottery Distributor

## 29 The Olympic Lottery Distributor

- (1) There shall be a body corporate known as the Olympic Lottery Distributor.
- (2) Schedule 5 (which makes provision in relation to the Distributor) shall have effect.

### Commencement Information

**I24** S. 29 in force at 8.7.2005 by [S.I. 2005/1831](#), art. 2

## 30 Distribution

- (1) The Olympic Lottery Distributor shall distribute money received, whether under section 26 or otherwise, by way of grant or loan (subject to Part 3 of Schedule 5).
- (2) The Distributor may make a grant or loan only if it considers it necessary or expedient for the purpose of or in connection with—
  - (a) the provision of facilities which are necessary or expedient if London is to be the host city of the 2012 Olympic games, or
  - (b) any other service or function which it is necessary or expedient to provide or undertake if London is to be the host city of the 2012 Olympic Games.

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- (3) In exercising its functions under this section the Distributor shall have regard to—
- (a) the Olympic Charter, and
  - (b) any agreement entered into by or on behalf of the International Olympic Committee in the course of or in connection with the election of London as the host city for the 2012 Olympic Games.
- (4) A grant or loan may, in particular, fund expenditure related to the provision of—
- (a) facilities outside London;
  - (b) cultural and other events held in accordance with a provision of the Olympic Charter or in accordance with an agreement entered into by or on behalf of the International Olympic Committee.
- (5) A grant or loan may be subject to conditions which may, in particular, include conditions—
- (a) as to repayment (with or without interest);
  - (b) providing for payments to be made only with the consent of a specified person.
- (6) The Secretary of State<sup>F17</sup>... may by regulations provide that a specified class of expenditure is to be treated as—
- (a) satisfying the requirements of subsection (2), or
  - (b) not satisfying those requirements.

#### Textual Amendments

**F17** Words in s. 30 omitted (7.7.2010) by virtue of [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), art. 1(2), [Sch. para. 4\(e\)](#)

#### Commencement Information

**I25** S. 30 in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

## 31 Distribution policy

- (1) The Olympic Lottery Distributor shall comply with any requirement of the Secretary of State<sup>F18</sup>... to—
- (a) prepare a policy for the distribution of money under section 30, or
  - (b) review and revise the policy.
- (2) A policy must, in particular—
- (a) estimate the Distributor's annual income,
  - (b) specify the sources of the income estimated,
  - (c) specify matters in respect of which the Distributor thinks that it will or may make grants or loans, and
  - (d) estimate, where possible, the amount of grants or loans that the Distributor will or may make.
- (3) A requirement under subsection (1) may include provision (which may supplement or amplify subsection (2)) about—
- (a) the form of the policy;
  - (b) the content of the policy.

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- (4) Before preparing or revising a policy the Distributor—
- (a) shall submit a draft of the policy or revision to the Secretary of State<sup>F18</sup> ..., and
  - (b) shall consult—
    - (i) the [<sup>F19</sup>Gambling] Commission,
    - (ii) the Mayor of London,
    - (iii) the National Olympic Committee, and
    - (iv) the British Paralympic Association.
- (5) The Distributor shall as soon as is reasonably practicable send a copy of a policy or revision under this section to—
- (a) the Secretary of State<sup>F18</sup> ...,
  - (b) the Mayor of London,
  - (c) the National Olympic Committee, and
  - (d) the British Paralympic Association.
- (6) Where the Secretary of State<sup>F18</sup>... receives a copy of a policy or revision under subsection (5) he shall lay it before Parliament.

#### Textual Amendments

**F18** Words in s. 31 omitted (7.7.2010) by virtue of [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), art. 1(2), **Sch. para. 4(f)**

**F19** Word in s. 31(4)(b)(i) substituted (1.10.2013) by [The Public Bodies \(Merger of the Gambling Commission and the National Lottery Commission\) Order 2013 \(S.I. 2013/2329\)](#), art. 1(2), **Sch. para. 27(d)** (with art. 8, Sch. para. 43)

#### Commencement Information

**I26** S. 31 in force at 8.7.2005 by [S.I. 2005/1831](#), **art. 2**

## 32 Dissolution

- (1) The Secretary of State<sup>F20</sup>... may by order make provision for the dissolution of the Olympic Lottery Distributor.
- (2) An order under this section may, in particular—
- (a) provide for the transfer of property, rights or liabilities of the Distributor to—
    - (i) the Secretary of State, or
    - (ii) any other person;
  - (b) make provision enabling a person to receive anything transferred under paragraph (a) (and that provision shall have effect despite any other enactment or instrument);
  - (c) establish a body corporate;
  - (d) make consequential, incidental or transitional provision which may, in particular—
    - (i) provide for anything done by or in relation to the Distributor to have effect as if done by or in relation to another person;
    - (ii) permit anything (which may include legal proceedings) which is in the process of being done by or in relation to the Distributor when

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- a transfer takes effect, to be continued by or in relation to another person;
- (iii) provide for a reference to the Distributor in an instrument or other document to be treated as a reference to another person.
- (3) An order transferring a sum of money to the Secretary of State under subsection (2)
- (a)(i) may require the Secretary of State to pay the sum into the National Lottery Distribution Fund; and an order containing such provision shall specify whether the payment is to be—
- (a) treated as having been paid into the National Lottery Distribution Fund by virtue of section 5(6) of the National Lottery etc. Act 1993 (c. 39) (general payments into fund), or
- (b) allocated entirely for expenditure on or connected with sport and held in accordance with section 23(2) of that Act (distributing bodies for sports).
- (4) Provision by virtue of subsection (3)(b) may provide for section 23(2) of that Act to apply with specified modifications (which may, in particular, include modifications reducing a distributor's share to nil).
- (5) [<sup>F21</sup>The Secretary of State may not] make an order under this section providing for the transfer of property, rights or liabilities to a person unless the person has consented to the transfer.
- (6) An order under this section—
- (a) may transfer rights and liabilities relating to employees, but
- (b) shall not affect the operation of the [<sup>F22</sup>Transfer of Undertakings (Protection of Employment) Regulations 2006].
- (7) [<sup>F23</sup>The Secretary of State may not] make an order by virtue of subsection (6)(a) unless satisfied that sufficient notice has been given to enable compliance with any applicable requirement of those regulations.

#### Textual Amendments

- F20** Words in s. 32(1) omitted (7.7.2010) by virtue of [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), art. 1(2), **Sch. para. 4(g)**
- F21** Words in s. 32(5) substituted (7.7.2010) by [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), art. 1(2), **Sch. para. 5**
- F22** Words in s. 32(6)(b) substituted (with application in accordance with reg. 21(1) of the amending S.I.) by [The Transfer of Undertakings \(Protection of Employment\) Regulations 2006 \(S.I. 2006/246\)](#), reg. 1(2), **Sch. 2 para. 1(j)**
- F23** Words in s. 32(7) substituted (7.7.2010) by [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), art. 1(2), **Sch. para. 5**

#### Commencement Information

- I27** S. 32 in force at 8.7.2005 by [S.I. 2005/1831](#), **art. 2**

#### Miscellaneous

### 33 Interpretation

- (1) In this Part—



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- (a) a reference to the 2012 Olympic Games is a reference to—
    - (i) the Games of the Olympiad that are to take place in the year 2012, and
    - (ii) except where the context otherwise requires, the Paralympic Games that are to take place in that year,
  - (b) “the National Olympic Committee” means the National Olympic Committee of the United Kingdom,
  - (c) “the Organising Committee” means the Organising Committee established by the National Olympic Committee,
  - (d) “the Paralympic Games” means the events known by that name and in connection with which the Organising Committee has functions by virtue of an agreement between that committee and the International Olympic Committee,
  - (e) “the Olympic Charter” means the Olympic Charter of the International Olympic Committee, and
  - (f) any expression used in connection with the Olympic Games (including an expression mentioned in this section) shall have the meaning which it has in or in accordance with the Olympic Charter of the International Olympic Committee (as it has effect from time to time).
- (2) A reference in this Part to the making of a loan includes a reference to the provision of any other kind of financial assistance.

#### Commencement Information

**I28** S. 33 in force at 8.4.2005 by [S.I. 2005/1134](#), [art. 2](#)

### 34 Consequential amendments, &c.

- (1) The National Lottery etc. Act 1993 (c. 39) shall have effect subject to this section.
- (2) In section 4 (overriding duties)—
  - (a) a reference to functions under Part I of that Act shall be treated as including a reference to functions under this Part of this Act <sup>F24</sup>...<sup>F25</sup>and]
  - <sup>F26</sup>(aa) .....
  - (b) the definition in subsection (3) of “the net proceeds of the National Lottery” shall be treated as including a reference to sums paid into the Olympic Lottery Distribution Fund by virtue of section 24 of this Act.
- (3) For section 5(6) (payments by licensee) substitute—
  - “(6) A licence under this section shall include a condition requiring the licensee to pay into the National Lottery Distribution Fund sums out of the proceeds of lotteries forming part of the National Lottery.
  - (6A) A licence under this section shall include provision for determining—
    - (a) the amount of payments under subsection (6), and
    - (b) the timing of payments under subsection (6).”
- (4) In the case of a licence granted under section 5 before the coming into force of subsection (3) above, the condition included in accordance with section 5(6) shall, after that time, be construed as if any sum required to be paid by that condition were



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required to be paid into the National Lottery Distribution Fund (subject to section 24 of this Act).

(5) For section 9(3) (enforcement of conditions) substitute—

“(3) Where a sum is due to be paid to the National Lottery Distribution Fund by virtue of section 5(6)—

- (a) the sum shall be recoverable by the Secretary of State as a debt due to the Fund, and
- (b) the licensee’s liability to pay shall not be affected by his licence ceasing to have effect.”

(6) For section 10A(14) (breach of licence condition: financial penalty: recovery) substitute—

“(14) Where under this section one person (“the debtor”) becomes liable to pay a penalty to another person (“the creditor”)—

- (a) the penalty and any interest accrued under subsection (13) shall be recoverable by the Secretary of State from the debtor as a debt due to the creditor, and
- (b) the debtor’s liability to pay shall not be affected by his licence ceasing to have effect.

(15) A penalty under this section may be payable partly to the National Lottery Distribution Fund and partly to the Olympic Lottery Distribution Fund.”

(7) In section 11 (directions by Secretary of State to National Lottery Commission)

[<sup>F27</sup>(a)] the reference to the functions of the Commission under sections 5 to 10A of that Act shall be treated as including a reference to the functions of the Commission under or in accordance with this Part.<sup>F28</sup> ...

<sup>F28</sup>(b) .....

( 8 ) In section 21 (National Lottery Distribution Fund) subsection (2) (payments in by Secretary of State) shall cease to have effect.

(9) In section 22 (apportionment of National Lottery Distribution Fund: saving)—

- ( a ) in subsection (1) for “under section 21(2)” substitute “by virtue of section 5(6) or 10A ” ,
- ( b ) omit subsection (3)(e), and
- ( c ) at the end of subsection (4) add “ and to section 25 of the Horserace Betting and Olympic Lottery Act 2004. ”

( 10 ) Section 30 (winding up of millennium fund) shall cease to have effect.

( 11 ) Section 33 (accounts) shall apply in relation to the Olympic Lottery Distribution Fund as it applies in relation to the National Lottery Distribution Fund—

<sup>F29</sup>(za) .....

- (a) taking the reference to section 32 of that Act as a reference to section 27 of this Act, and
- (b) with any other necessary modifications.

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#### Textual Amendments

- F24** Word in s. 34(2)(a) omitted (22.8.2007) by virtue of [Transfer of Functions \(Olympics and Paralympics\) Order 2007 \(S.I. 2007/2129\)](#), art. 1(2), **Sch. para. 4(2)** (with art. 4)
- F25** Word in s. 34(2)(a) inserted (7.7.2010) by [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), art. 1(2), **Sch. para. 6(2)(a)**
- F26** S. 34(2)(aa) omitted (7.7.2010) by virtue of [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), art. 1(2), **Sch. para. 6(2)(b)**
- F27** Words in s. 34(7) renumbered as s. 34(7)(a) (22.8.2007) by [Transfer of Functions \(Olympics and Paralympics\) Order 2007 \(S.I. 2007/2129\)](#), art. 1(2), **Sch. para. 4(3)(a)** (with art. 4)
- F28** S. 34(7)(b) and preceding word omitted (7.7.2010) by virtue of [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), art. 1(2), **Sch. para. 6(3)**
- F29** S. 34(11)(za) omitted (7.7.2010) by virtue of [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), art. 1(2), **Sch. para. 6(4)**

#### Commencement Information

- I29** S. 34(1)-(5)(7)(8)(9)(a)(b)(10)(11) in force at 8.4.2005 by [S.I. 2005/1134](#), **art. 2**
- I30** S. 34(6)(9)(c) in force at 8.7.2005 by [S.I. 2005/1831](#), **art. 2**

### 35 Changes in Olympic procedure

- (1) The Secretary of State<sup>F30</sup> ... may by order make such provision as he thinks necessary or expedient in consequence of a change effected after the passing of this Act in the arrangements made by the International Olympic Committee in relation to the Games of the Olympiad.
- (2) An order under subsection (1) may, in particular, amend a provision of—
  - (a) this Part, or
  - (b) any other enactment.

#### Textual Amendments

- F30** Words in s. 35 omitted (7.7.2010) by virtue of [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), art. 1(2), **Sch. para. 4(h)**

#### Commencement Information

- I31** S. 35 in force at 8.4.2005 by [S.I. 2005/1134](#), **art. 2**

### 36 Regulations and orders

- (1) Regulations or an order under this Part shall be made by statutory instrument.
- (2) Regulations or an order under this Part—
  - (a) may make provision generally or only in relation to specified cases or circumstances,
  - (b) may make different provision for different circumstances, and
  - (c) may include incidental, consequential or transitional provision.
- (3) An order under section 22(2) or (3) shall be laid before Parliament.

*Status: This version of this Act contains provisions that are prospective.*

**Changes to legislation:** Horserace Betting and Olympic Lottery Act 2004 is up to date with all changes known to be in force on or before 25 April 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

(4) An order under section 25, 28 or 35 shall not be made unless a draft has been laid before, and approved by resolution of, each House of Parliament.

(5) Any other order under this Part, and regulations under this Part, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Commencement Information

**I32** S. 36 in force at 8.4.2005 by [S.I. 2005/1134](#), [art. 2](#)

### 37 Extent

This Part extends to—

- (a) England and Wales,
- (b) Scotland, and
- (c) Northern Ireland.

#### Commencement Information

**I33** S. 37 in force at 8.4.2005 by [S.I. 2005/1134](#), [art. 2](#)

## PART 4

### GENERAL

### 38 Repeals

The enactments listed in Schedule 6 are hereby repealed to the extent specified.

#### Commencement Information

**I34** [S. 38](#) in force at 8.4.2005 for specified purposes by [S.I. 2005/1134](#), [art. 2](#)

**I35** [S. 38](#) in force at 13.7.2011 for specified purposes by [S.I. 2011/1704](#), [art. 2](#)

### 39 Money

There shall be paid out of money provided by Parliament—

- (a) any expenditure of the Secretary of State in connection with this Act,
- (b) any expenditure of the National Debt Commissioners in connection with this Act, and
- (c) any increase attributable to this Act in the sums payable out of money provided by Parliament under another enactment.

#### Commencement Information

**I36** [S. 39](#) in force at 8.4.2005 by [S.I. 2005/1134](#), [art. 2](#)

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#### **40 Commencement**

- (1) The preceding provisions of this Act shall come into force in accordance with provision made by order of the Secretary of State.
- (2) An order under subsection (1)—
  - (a) may make provision that has effect generally or only for specified purposes,
  - (b) may make different provision for different purposes,
  - (c) may include incidental, consequential or transitional provision, and
  - (d) shall be made by statutory instrument.
- (3) Section 29 shall not be brought into force unless the Secretary of State has made an order under section 22(2).

#### **41 Extent**

- (1) An amendment effected by this Act shall have the same extent as the enactment amended (or as the relevant part of the enactment amended).
- (2) Sections 14, 20 and 37 are subject to subsection (1) above.

#### **42 Short title**

This Act may be cited as the Horserace Betting and Olympic Lottery Act 2004.

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## SCHEDULES

PROSPECTIVE

### SCHEDULE 1

Section 10

#### NEW SCHEDULE 1A TO THE BETTING, GAMING AND LOTTERIES ACT 1963

#### “SCHEDULE 1A

#### REGULATION OF HORSERACE POOL BETTING

#### PART 1

##### INTRODUCTION

- 1 Part 2 of this Schedule specifies the conditions to be complied with, for the purposes of sections 4(2)(d) and 4A(2)(b), in relation to pool betting business.
- 2 Part 3 of this Schedule makes provision for the supervision of pool betting business.
- 3 In this Schedule “pool betting business” means pool betting business in connection with horse racing.

#### PART 2

##### CONDITIONS

##### *Totalisator*

- 4 Any totalisator being used must—
  - (a) be in proper working order, and
  - (b) be properly operated.

##### *Publicity for arrangements*

- 5 (1) A person receiving or negotiating bets in relation to a race or set of races must display in a conspicuous position a notice stating, prominently and in easily legible print—
  - (a) the minimum amount (if there is one) that he will accept as a stake,
  - (b) the amounts or percentage of the aggregate of the stakes that he will distribute by way of winnings,
  - (c) the principles that he will apply in calculating winnings (including any rules for rounding sums up or down),
  - (d) the arrangements that he will make for enabling persons to claim winnings,

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- (e) the arrangements that he will make in respect of winnings not claimed, and
  - (f) the arrangements that he will make if there is no winning bet.
- (2) Where a person receives or negotiates bets by the use of remote communication of a kind that does not permit the display of a notice, sub-paragraph (1) shall not apply but the person must—
  - (a) have prepared a notice of the kind required by sub-paragraph (1),
  - (b) inform the person making the bet, or arrange for him to be informed, of a method by which he can see a copy of the notice, and
  - (c) if the person making the bet asks to be supplied with a copy of the notice, comply with the request.
- (3) In sub-paragraph (2) “remote communication” means communication using—
  - (a) the internet,
  - (b) telephone,
  - (c) television,
  - (d) radio, or
  - (e) any other kind of electronic or other technology for facilitating communication.
- (4) Nothing in sub-paragraph (1)—
  - (a) provides a defence to an offence under section 10, or
  - (b) excuses compliance with a provision of regulations under paragraph 3 of Schedule 4.
- (5) The Secretary of State may by regulations—
  - (a) provide that a specified system or method of communication is or is not to be treated as a form of remote communication for the purposes of sub-paragraph (2) (and sub-paragraph (3) is subject to any regulations under this paragraph);
  - (b) provide that a specified system or method of communication is or is not to be treated for the purposes of sub-paragraph (2) as being of a kind that does not permit the display of a notice.
- (6) Regulations under sub-paragraph (5)—
  - (a) may make different provision for different circumstances,
  - (b) shall be made by statutory instrument, and
  - (c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### *Publicity for arrangements*

- 6 (1) Where a person makes statements in accordance with paragraph 5 in respect of a race or set of races—
  - (a) he may not alter any of the statements in respect of that race or set of races, and
  - (b) he must act in accordance with the statements.
- (2) But sub-paragraph (1) does not apply to a person before he has received or negotiated a bet in respect of the race or set of races to which the statements relate.

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### *Publicity for arrangements*

- 7 Where a person receives or negotiates bets in respect of a race or set of races, as soon as is reasonably practicable after the conclusion of the race or set he must make reasonable arrangements to announce or display details of the amounts payable by way of winnings.

### *Compliance with supervision*

- 8 A person who receives or negotiates bets must—
- (a) comply with any requirement imposed by or under Part 3 of this Schedule,
  - (b) co-operate with the supervising accountant appointed under that Part,
  - (c) co-operate with the technical adviser appointed under that Part, and
  - (d) co-operate with any person authorised by the supervising accountant or the technical adviser under paragraph 11(2)(e) or 13(2)(f).

### *Annual fee*

- 9 (1) A person who carries on pool betting business in a calendar year must have paid the prescribed fee in respect of that year.
- (2) In sub-paragraph (1) “prescribed” means prescribed by order of the Secretary of State.
- (3) An order under sub-paragraph (2)—
- (a) shall include provision about the timing and manner of payment,
  - (b) shall provide for fees to be paid (by the person who receives them in accordance with arrangements prescribed by virtue of paragraph (a)) into the Consolidated Fund,
  - (c) may make different provision for different circumstances,
  - (d) shall be made by statutory instrument, and
  - (e) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) In prescribing fees under this paragraph the Secretary of State shall aim, so far as is reasonably practicable, to ensure that the amount paid by way of fees in respect of a calendar year equals the expenditure incurred during that year in respect of—
- (a) the performance of the functions of the supervising accountant and technical adviser under Part 3, and
  - (b) the activities of the Gaming Board in relation to pool betting business.

## **PART 3**

### **SUPERVISION**

#### *Supervising accountant*

- 10 (1) The Gaming Board shall appoint a person who is eligible for appointment as a company auditor (in accordance with section 25 of the Companies Act 1989 (c. 40)) to carry out such activities as he thinks necessary or expedient for the purpose of determining whether the conditions in Part 2 of this Schedule are complied with by persons carrying on pool betting business.

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- (2) The person appointed under sub-paragraph (1) is referred to in this Part as the “supervising accountant”.

*Supervising accountant*

- 11 (1) The supervising accountant may do anything that he thinks necessary or expedient for the purpose of determining whether the conditions in Part 2 of this Schedule have been complied with.
- (2) In particular, the supervising accountant—
- (a) may require access to premises on which pool betting business is being or has been carried on,
  - (b) may require any person to produce for examination any accounts or other document,
  - (c) may require any person to permit the supervising accountant to examine a record (whether held on computer or otherwise),
  - (d) may require any person to supply a copy of any accounts or other document,
  - (e) may authorise a person in writing to do anything that the supervising accountant could do by virtue of this paragraph, and
  - (f) may delegate a function under this Part.

*Technical adviser*

- 12 (1) The Gaming Board shall appoint a person to advise the supervising accountant on the working condition of totalisators (“the technical adviser”).
- (2) Before appointing an adviser under this paragraph the Gaming Board shall consult the supervising accountant.

*Technical adviser*

- 13 (1) The technical adviser may do anything that he thinks necessary or expedient for the purpose of advising the supervising accountant whether the conditions in Part 2 of this Schedule have been complied with.
- (2) In particular, the technical adviser—
- (a) may require access to premises on which a totalisator is or has been in operation in relation to pool betting business,
  - (b) may carry out a process for the purposes of examining the operation of a totalisator,
  - (c) may require any person to produce a document for examination,
  - (d) may require any person to permit the technical adviser to examine a record (whether held on computer or otherwise),
  - (e) may require any person to supply a copy of a document,
  - (f) may authorise a person in writing to do anything that the technical adviser could do by virtue of this paragraph, and
  - (g) may delegate a function under this Part.



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#### *Submission of accounts*

- 14 (1) A person who carries on pool betting business in any month shall send to the supervising accountant a statement of the person's accounts for pool betting business carried on by him in that month.
- (2) A statement submitted under sub-paragraph (1) must, in particular—
- (a) specify any amounts carried over from one race or set of races to another in accordance with arrangements of a kind described in paragraph 5(1)(f), and
  - (b) give such other information as the supervising accountant may require for the purpose of determining whether the conditions in Part 2 of this Schedule have been complied with.
- (3) The requirement under sub-paragraph (1) must be complied with before the end of the period of 28 days beginning with the last day of the month to which the accounts relate.
- (4) Where the supervising accountant imposes a requirement under sub-paragraph (2)(b) —
- (a) he may impose the requirement in relation to accounts for any month, whether ending before or after the requirement is imposed and whether or not accounts for that month have been submitted, and
  - (b) if he imposes the requirement in relation to accounts for a month ending before the requirement is imposed—
    - (i) a person who has already submitted accounts for that month must re-submit them, and
    - (ii) in relation to a person obliged to re-submit accounts, sub-paragraph (3) shall have effect as if the period of 28 days began with the day on which the requirement came to his notice.

#### *Submission of accounts*

- 15 Where accounts are submitted to the supervising accountant under paragraph 14 he shall—
- (a) examine them, and
  - (b) arrange for their retention for a period of at least two years.

#### *Annual audit*

- 16 (1) This paragraph applies to a person who submits accounts to the supervising accountant under paragraph 14 during a calendar year.
- (2) As soon as is reasonably practicable after the end of the calendar year the supervising accountant shall, in relation to each person to whom this paragraph applies—
- (a) audit the person's accounts for pool betting business in that year (as submitted under paragraph 14),
  - (b) certify whether, so far as he is reasonably able to ascertain—
    - (i) the person has complied with paragraph 14,
    - (ii) the accounts are complete and accurate, and
    - (iii) the pool betting business carried on by the person during that year has been carried on in accordance with Part 2 of this Schedule.

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- (3) Having audited and certified a person's accounts under sub-paragraph (2) the supervising accountant shall as soon as is reasonably practicable send the audited accounts and the certificate to the person.
- (4) As soon as is reasonably practicable after receiving audited accounts and a certificate under sub-paragraph (3) a person must send two copies of each to the Gaming Board.
- (5) The Gaming Board shall make one copy of any accounts and certificate received under sub-paragraph (4) available for inspection by the public—
  - (a) at all reasonable times, and
  - (b) without charge.

#### *Report to Gaming Board*

- 17 If the supervising accountant suspects that pool betting business has been carried on otherwise than in accordance with Part 2 of this Schedule, he shall report the matter to the Gaming Board.

#### *Report to Gaming Board*

- 18 The supervising accountant and the technical adviser shall on request make available to the Gaming Board any accounts or other document supplied or provided under paragraph 11, 13 or 14.

#### *Offences*

- 19 A person commits an offence if he obstructs the supervising accountant or the technical adviser in the exercise of a function under this Part.

#### *Offences*

- 20 A person commits an offence if without reasonable excuse he fails to co-operate with the supervising accountant or the technical adviser in the exercise of a function under this Part.

#### *Offences*

- 21 A person commits an offence if he supplies to the supervising accountant or the technical adviser information which the person knows to be—
  - (a) false, or
  - (b) misleading.

#### *Offences*

- 22 In paragraphs 19 to 21 “person” does not mean only a person who carries on or has carried on pool betting business.

#### *Offences*

- 23 A person commits an offence if he fails to comply with paragraph 14(1) or 16(4).

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### Offences

- 24 (1) A person guilty of an offence under any of paragraphs 19 to 21 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) A person guilty of an offence under paragraph 23 shall be liable on summary conviction to—
- (a) imprisonment for a term not exceeding six months,
  - (b) a fine not exceeding level 5 on the standard scale, or
  - (c) both.”

## SCHEDULE 2

Section 13

### SALE OF THE TOTE: CONSEQUENTIAL AMENDMENTS

#### *Betting, Gaming and Lotteries Act 1963 (c. 2)*

PROSPECTIVE

- 1 The Betting, Gaming and Lotteries Act 1963 shall be amended as follows.

PROSPECTIVE

- 2 In section 1 (restriction on using premises for betting)—
- (a) in subsection (1)(a) for “section 4(1)” substitute “ section 4(2), (3) or (5)”, and
  - (b) in subsection (5)(a) omit “but no other races”.

PROSPECTIVE

- 3 In section 3 (authorisation of agents)—
- (a) in subsection (1) omit—
    - (i) “or to the Totalisator Board”,
    - (ii) “or, as the case may be, by the said Board”, and
    - (iii) “or by the said Board”,
  - (b) in subsection (2) omit—
    - (i) “or to the said Board”, and
    - (ii) “or, as the case may be, the Board”, and
  - (c) in subsection (3) omit—
    - (i) “The said Board and”, and
    - (ii) “by that Board or, as the case may be,”.

PROSPECTIVE

- 4 In section 5(3) (restriction of betting on tracks) omit—

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- (a) “by the Totalisator Board or, with the authority of that Board, by the persons having the management of that racecourse”, and
- (b) “by that Board or, as the case may be, by those persons”.

PROSPECTIVE

- 5 In section 6(1) (restriction of bookmaking on tracks) omit “only”.

PROSPECTIVE

- 6 In section 9 (betting office licences and betting agency permits)—
- (a) in subsection (1) omit the words from “Provided that” to the end,
  - (b) subsection (2)(b) shall cease to have effect, and
  - (c) in subsection (2)(c)(i) omit—
    - (i) “or by the Totalisator Board”, and
    - (ii) “or, as the case may be, with or through that Board”.

PROSPECTIVE

- 7 In section 11(1) (bookmaker’s permit and betting agency permit: cancellation and disqualification) after “, 4(1)” insert “, 4A(1) ”.

PROSPECTIVE

- 8 Section 12 (which establishes the Horserace Totalisator Board) shall cease to have effect.

PROSPECTIVE

- 9 Section 14 (Tote’s monopoly in relation to pool betting) shall cease to have effect.

PROSPECTIVE

- 10 Section 15 (Tote’s additional powers and duties) shall cease to have effect.

PROSPECTIVE

- 11 In section 16(1) (totalisators on licensed tracks) for “4(1)(b)” substitute “4(5) ”.

- 12 (1) Section 24 (Horserace Betting Levy Board) shall be amended as follows.
- (2) In subsection (1) for “the Totalisator Board” substitute “, while the exclusive licence under section 8 of the Horserace Betting and Olympic Lottery Act 2004 (sale of the Tote) has effect, the successor company nominated for the purposes of section 2 of that Act ”.

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- (3) In subsection (2)—
  - (a) for “seven other members” substitute “ six other members ”, and
  - (b) omit subsection (2)(e).
- (4) In subsection (4)—
  - (a) for “, the Bookmakers' Committee and the Totalisator Board respectively” substitute “ or the Bookmakers' Committee ”, and
  - (b) for “subsection (2)(b), (d) or (e)” substitute “ subsection (2)(b) or (d) ”.

#### Commencement Information

**I37** Sch. 2 para. 12 in force at 13.7.2011 by S.I. 2011/1704, art. 2

- 13 In section 30 (contributions by Totalisator Board)—
- (a) in each place (including in the heading) before “Totalisator Board” insert “ successor company to the ”, and
  - (b) after subsection (1) insert—
    - “(1A) Subsection (1) does not apply to any contribution which the successor company to the Totalisator Board is liable to make—
    - (a) in respect of a time when the exclusive licence does not have effect, and
    - (b) as a bookmaker.”

#### Commencement Information

**I38** Sch. 2 para. 13 in force at 13.7.2011 by S.I. 2011/1704, art. 2

#### PROSPECTIVE

- 14 In section 31 (accounts and reports)—
- (a) in subsection (1)—
    - (i) for “and the Totalisator Board shall each” substitute “ shall ”,
    - (ii) for “proper statements” substitute “ a proper statement ”,
    - (iii) omit “of each of the Boards”, and
    - (iv) omit “in question”, and
  - (b) for subsection (2) substitute—
    - “(2) As soon as reasonably practicable after its accounts for a levy period have been audited, the Levy Board shall submit to the Secretary of State a report of its proceedings during that period which shall include the statement of account and the auditor’s report for that period; and the Secretary of State shall lay before Parliament a copy of each report received by him under this subsection.”

*Status: This version of this Act contains provisions that are prospective.*

**Changes to legislation:** *Horserace Betting and Olympic Lottery Act 2004 is up to date with all changes known to be in force on or before 25 April 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*

PROSPECTIVE

- 15 In section 52(1) (penalties) after “4,” insert “ 4A, ”.

PROSPECTIVE

- 16 In section 55(1) (interpretation)—
- (a) in the definition of “bookmaker” omit—
    - (i) “other than the Totalisator Board”, and
    - (ii) for “sponsored pool betting business” substitute “ pool betting business on an approved racecourse in accordance with a point-to-point exemption notice ”,
  - (b) after the definition of “game of chance” and “gaming” insert—
 

““the Gaming Board” means the Gaming Board for Great Britain;”,
  - (c) after the definition of “player” insert—
 

““point-to-point exemption notice” has the meaning given by section 4(3)(b) of this Act;”,
  - (d) omit the definition of “recognised horse race”,
  - (e) in the definition of “registered pool promoter” for “section 4(2)” substitute “ section 4A(3) ”, and
  - (f) omit the definitions of—
    - (i) “sponsored pool betting”, and
    - (ii) “the Totalisator Board”.

PROSPECTIVE

- 17 In paragraph 19(a)(i) of Schedule 1 (permits) omit “in the case of an applicant other than the Totalisator Board,”.

PROSPECTIVE

*Gaming Act 1968 (c. 65)*

- 18 In paragraph 6 of Schedule 1 to the Gaming Act 1968 (Gaming Board: remuneration of staff, &c.) after “(including the inspectors appointed under section 43 of this Act” insert “ and the supervising accountant and technical adviser appointed under Schedule 1A to the Betting, Gaming and Lotteries Act 1963 (c. 2) and anyone acting under the authority of the supervising accountant or technical adviser) ”.

*Horserace Betting Levy Act 1969 (c. 14)*

- 19 In section 5 of the Horserace Betting Levy Act 1969 (annual contribution by Totalisator Board)—

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- (a) in each place in subsection (1) (and the heading) before “Totalisator Board” insert “successor company to the”,
- (b) in subsection (1) for ‘object’ substitute ‘objects’, and
- (c) after subsection (1) insert—

“(1A) Subsection (1) does not apply to any contribution which the successor company to the Totalisator Board is liable to make—

- (a) in respect of a time when the exclusive licence does not have effect, and
- (b) as a bookmaker.”

#### Commencement Information

**I39** Sch. 2 para. 19 in force at 13.7.2011 by S.I. 2011/1704, art. 2

PROSPECTIVE

#### *Race Relations Act 1976 (c. 74)*

- 20 In Part II of Schedule 1A to the Race Relations Act 1976 (persons subject to statutory duty) omit— “The Horserace Totalisator Board.”

#### *National Lottery etc. Act 1993 (c. 39)*

- 21 Section 17 of the National Lottery etc. Act 1993 (extension of powers of Tote) shall cease to have effect.

#### Commencement Information

**I40** Sch. 2 para. 21 in force at 13.7.2011 by S.I. 2011/1704, art. 2

#### *Freedom of Information Act 2000 (c. 36)*

- 22 In Part VI of Schedule 1 to the Freedom of Information Act 2000 (public authorities) omit— “The Horserace Totalisator Board.”

#### Commencement Information

**I41** Sch. 2 para. 22 in force at 13.7.2011 by S.I. 2011/1704, art. 2

*Status: This version of this Act contains provisions that are prospective.*

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PROSPECTIVE

## SCHEDULE 3

Section 16

### HORSERACE BETTING LEVY BOARD: TRANSFER OF PROPERTY

#### *Introductory*

- 1 In this Schedule—
- “the Board” means the Horserace Betting Levy Board,
- “transfer direction” means a direction of the Secretary of State under section 16(2), and
- “transfer scheme” means a transfer scheme under section 16.

#### *Board to assist Secretary of State*

- 2 The Board shall on request give the Secretary of State information or assistance in connection with—
- (a) a transfer direction which the Secretary of State has given or may give, or
- (b) a transfer scheme which the Secretary of State has made or may make.

#### *Ancillary powers of Board*

- 3 (1) The Board may do anything that it thinks necessary or appropriate in connection with a transfer direction or a transfer scheme.
- (2) In particular, the Board may enter into an agreement which confers or imposes on the Board rights or liabilities in respect of anything which has been or is to be transferred by a transfer scheme; and those rights and liabilities may include—
- (a) rights to receive payments by way of consideration for transfer or otherwise, and
- (b) liabilities to make payments.
- (3) But the Board may enter into an agreement by virtue of sub-paragraph (2) only with the consent of—
- (a) the Secretary of State, and
- (b) the Treasury.

#### *Ancillary powers of Secretary of State*

- 4 The Secretary of State may with the consent of the Treasury enter into an agreement which confers or imposes on the Secretary of State rights or liabilities in respect of anything which has been or is to be transferred by a transfer scheme.

#### *Content of transfer scheme*

- 5 A transfer scheme—
- (a) may transfer property, rights or liabilities whether or not they would otherwise be capable of being transferred,



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- (b) may dispense with a formality in relation to a transfer (whether or not it would otherwise be required by virtue of an enactment or instrument),
  - (c) may dispense with a requirement for consent (whether arising under an enactment, an instrument or an agreement),
  - (d) may provide for a transfer not to have an effect which it would otherwise have by virtue of an enactment, instrument or agreement, and
  - (e) may provide for a transfer to have an effect different to that which it would otherwise have by virtue of an enactment, instrument or agreement.
- 6 In specifying property, rights or liabilities to be transferred a transfer scheme—
  - (a) may use any manner of description (which may include reference to criteria specified in the scheme or to be determined in accordance with the scheme),
  - (b) may provide for exceptions, and
  - (c) may provide for the division of property, rights or liabilities in a manner specified in the scheme or to be determined in accordance with the scheme.
- 7 A transfer scheme may transfer property, rights or liabilities which—
  - (a) do not exist when the scheme is made but do exist when the transfer takes effect, or
  - (b) become property, rights or liabilities of the Board after the scheme is made and before the transfer takes effect.
- 8 A transfer scheme may transfer property, rights or liabilities to more than one person; and a scheme making provision under this paragraph may provide for property, rights or liabilities—
  - (a) to vest jointly in a manner specified by the scheme or determined in accordance with the scheme, or
  - (b) to be divided in a manner specified by the scheme or determined in accordance with the scheme.
- 9 A transfer scheme—
  - (a) may impose obligations on a person to whom property, rights or liabilities are transferred,
  - (b) may require a person to whom property, rights or liabilities are transferred to enter into an agreement of a specified kind or for a specified purpose,
  - (c) may make provision for the enforcement of an obligation imposed by virtue of this paragraph (which may, in particular, provide for an obligation to be treated as if it arose under a contract between specified persons), and
  - (d) may make provision for the enforcement of a requirement included in a scheme by virtue of this paragraph.
- 10 (1) A transfer scheme may include provision for the payment of compensation in a case where—
  - (a) as a result of a provision of the scheme—
    - (i) a third-party right becomes enforceable partly against one transferee and partly against another, or
    - (ii) a third-party liability becomes enforceable partly by one transferee and partly by another, and
  - (b) an effect of that result is to reduce the value of—

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- (i) property of the third party, or
- (ii) a right of the third party.

(2) Provision included under this paragraph may, in particular—

- (a) provide for compensation to be paid by a transferee;
- (b) provide for compensation to be paid by the transferor;
- (c) provide for compensation to be paid by the Secretary of State;
- (d) provide for arbitration (as to liability or quantum).

(3) In this paragraph—

- (a) a reference to a third-party right, in relation to a provision of a transfer scheme, is a reference to a right of a person who under that provision is neither the transferor nor a transferee,
- (b) a reference to a third-party liability, in relation to a provision of a transfer scheme, is a reference to a liability of a person who under that provision is neither the transferor nor a transferee,
- (c) a reference to a right's being enforceable includes a reference to its being enforceable if certain events occur or circumstances appertain,
- (d) “transferee” means a person to whom property, rights or liabilities are transferred under a transfer scheme, and
- (e) “transferor” means the Board.

11 A transfer scheme may make consequential, incidental or transitional provision; in particular, a transfer scheme—

- (a) may provide for anything done by or in relation to the Board to have effect as if done by or in relation to another person,
- (b) may permit anything (which may include legal proceedings), which is in the process of being done by or in relation to the Board when a provision of a transfer scheme takes effect, to be continued by or in relation to another person, and
- (c) may provide for a reference to the Board in an agreement (whether written or not), instrument or other document to be treated as a reference to another person.

### *Transfer of undertakings*

- 12 (1) Nothing in a transfer scheme shall affect the operation of the [F31Transfer of Undertakings (Protection of Employment) Regulations 2006].
- (2) The Secretary of State shall not approve, make or modify a transfer scheme unless satisfied that sufficient notice has been given to enable compliance with any applicable requirement of those regulations.

#### **Textual Amendments**

**F31** Words in Sch. 3 para. 12(1) substituted (with application in accordance with reg. 21(1) of the amending S.I.) by [The Transfer of Undertakings \(Protection of Employment\) Regulations 2006 \(S.I. 2006/246\)](#), reg. 1(2), [Sch. 2 para. 1\(j\)](#)

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### *Certificate of title*

- 13 (1) The Secretary of State may certify that specified property, rights or liabilities vest in a specified person by virtue of a transfer scheme.
- (2) A certificate under this paragraph shall be conclusive.

### *Modification of scheme*

- 14 (1) This paragraph applies where—
- (a) a transfer scheme provides for the transfer of specified property, rights or liabilities, and
  - (b) the transfer has not yet taken effect (whether or not another transfer under the scheme has taken effect).
- (2) The Secretary of State may modify the scheme in so far as it relates to the transfer.
- 15 (1) This paragraph applies where—
- (a) a transfer scheme provides for the transfer of specified property, rights or liabilities, and
  - (b) the transfer has taken effect.
- (2) The Secretary of State may modify the scheme in so far as it relates to the transfer.
- (3) Modification under this paragraph must be made by order of the Secretary of State made by statutory instrument.
- (4) An order under this paragraph may not be made without the consent of—
- (a) the person to whom the transfer is made, and
  - (b) any other person specified in or in relation to the provision to be modified.
- (5) An order under this paragraph shall not be made unless a draft has been laid before Parliament.

### *Consultation and consent*

- 16 The Secretary of State shall consult the Board before—
- (a) giving a transfer direction,
  - (b) modifying a transfer scheme under section 16(2)(b) or paragraph 14 or 15,
  - (c) approving a transfer scheme, or
  - (d) making a transfer scheme.
- 17 The Secretary of State shall not approve or make a transfer scheme which provides for the transfer to a person of property, rights or liabilities unless satisfied that the person has consented to—
- (a) the transfer, and
  - (b) the terms of the scheme relevant to the transfer.

### *Accounts*

- 18 If the Secretary of State directs the Board to prepare accounts in respect of a specified period ending with the day on which a transfer scheme comes into force—
- (a) the Board shall comply with the request,

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- (b) the Board shall arrange for the accounts to be audited by qualified accountants,
- (c) the Board shall submit the accounts and the auditors' report to the Secretary of State, and
- (d) the Secretary of State shall lay a copy of the accounts and the auditors' report before Parliament.

PROSPECTIVE

## SCHEDULE 4

Section 17

### ABOLITION OF THE HORSERACE BETTING LEVY SYSTEM: CONSEQUENTIAL AMENDMENTS

#### *Betting, Gaming and Lotteries Act 1963 (c. 2)*

- 1 The Betting, Gaming and Lotteries Act 1963 shall be amended as follows.
- 2 (1) Section 13 (approval of horse-race courses) shall be amended as follows.
  - (2) In subsections (1) and (2) for “The Levy Board” substitute “ The Gaming Board ”.
  - (3) In subsection (1) omit “, and the Board may at any time revoke any such certificate issued by them”.
  - (4) At the end add—
    - “(3) The Gaming Board shall grant a certificate of approval requested in respect of any ground if satisfied that the arrangements for the management of the ground are reasonably consistent with pursuit of the objectives of—
      - (a) preventing betting from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
      - (b) ensuring that betting is conducted in a fair and open way, and
      - (c) protecting children and other vulnerable persons from being harmed or exploited by betting.
    - (4) In particular, the Gaming Board shall consider whether—
      - (a) the place mentioned in subsection (2) will be clearly delineated,
      - (b) the terms on which members of the public are invited to make bets will be clearly displayed, and
      - (c) satisfactory arrangements will be made—
        - (i) to control the conduct of persons receiving or negotiating bets on the ground, and
        - (ii) to address complaints made by members of the public about the conduct of persons receiving or negotiating bets on the ground.
    - (5) If the Gaming Board would be satisfied in respect of the matters specified in subsections (3) and (4) if the certificate of approval were granted on conditions, the Gaming Board shall—
      - (a) grant the certificate of approval, and

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(b) impose the conditions.

(6) The Gaming Board shall not grant a certificate of approval unless the prescribed fee has been paid for the certificate; and subsections (3) and (5) are subject to this subsection.

(7) The Gaming Board may revoke a certificate of approval if not satisfied that the arrangements for the management of the ground are reasonably consistent with pursuit of the objectives specified in subsection (3)(a) to (c) (having regard, in particular, to the matters specified in subsection (4)).

(8) A certificate of approval shall, unless earlier revoked, expire at the end of the period of three years beginning with the date of issue (but without prejudice to the power to issue a new certificate).

(9) If the Gaming Board refuse a request for a certificate of approval, or revoke a certificate of approval, they shall give their reasons in writing.

(10) In subsection (6) “prescribed” means prescribed by order of the Secretary of State.

(11) An order under subsection (10)—

- (a) shall include provision about the timing and manner of payment,
- (b) shall provide for fees to be paid into the Consolidated Fund,
- (c) may make different provision for different circumstances,
- (d) shall be made by statutory instrument, and
- (e) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

3 In section 55(1) (interpretation)—

- (a) in the definition of “approved horse racecourse” for “issued by the Levy Board” substitute “ issued by the Gaming Board for Great Britain ”, and
- (b) omit the entries for—
  - (i) “Bookmakers' Committee”,
  - (ii) “the Levy Board”, and
  - (iii) “levy period”.

4 In Schedule 1 (bookmaker’s permits, betting agency permits and betting office licences)—

- (a) paragraph 25A shall cease to have effect, and
- (b) paragraph 36 shall cease to have effect.

*Parliamentary Commissioner Act 1967 (c. 13)*

5 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments, &c. subject to investigation) omit— “ Horserace Betting Levy Board. ”

*Finance Act 1969 (c. 32)*

6 Section 59 of the Finance Act 1969 (disclosure of information by Customs and Excise to Levy Board) shall cease to have effect.

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*House of Commons Disqualification Act 1975 (c. 24)*

- 7 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) omit— “ Member appointed by the Secretary of State of the Horserace Betting Levy Board. ”

*Race Relations Act 1976 (c. 74)*

- 8 In Part II of Schedule 1A to the Race Relations Act 1976 (persons subject to statutory duty) omit— “ The Horserace Betting Levy Board. ”

*Freedom of Information Act 2000 (c. 36)*

- 9 In Part VI of Schedule 1 to the Freedom of Information Act 2000 (public authorities) omit— “ The Horserace Betting Levy Board. ”

SCHEDULE 5

Section 29

THE OLYMPIC LOTTERY DISTRIBUTOR

**PART 1**

CONSTITUTION

*Membership*

- 1 (1) The Secretary of State<sup>F32</sup>...—
- (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<sup>F32</sup>... 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<sup>F32</sup>... shall consult—
- (a) the Mayor of London, and
  - (b) the National Olympic Committee.

**Textual Amendments**

**F32** Words in [Sch. 5 para. 1](#) omitted (7.7.2010) by virtue of [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), [art. 1\(2\)](#), [Sch. para. 4\(i\)](#)

**Commencement Information**

**I42** Sch. 5 para. 1 in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

*Status:* This version of this Act contains provisions that are prospective.

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### 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

**I43** Sch. 5 para. 2 in force at 8.7.2005 by S.I. 2005/1831, art. 2

- 3 [F33The 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.

#### Textual Amendments

**F33** Words in Sch. 5 para. 3 substituted (7.7.2010) by Secretary of State for Culture, Olympics, Media and Sport Order 2010 (S.I. 2010/1551), art. 1(2), Sch. para. 7

#### Commencement Information

**I44** Sch. 5 para. 3 in force at 8.7.2005 by S.I. 2005/1831, art. 2

- 4 The Chairman or another member of the Distributor may resign his office by notice in writing to the Secretary of State<sup>F34</sup>....

#### Textual Amendments

**F34** Words in Sch. 5 para. 4 omitted (7.7.2010) by virtue of Secretary of State for Culture, Olympics, Media and Sport Order 2010 (S.I. 2010/1551), art. 1(2), Sch. para. 4(i)

#### Commencement Information

**I45** 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<sup>F35</sup>... 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<sup>F35</sup>..., unable, unfit or unwilling to discharge the functions of his office.

#### Textual Amendments

**F35** Words in Sch. 5 para. 5 omitted (7.7.2010) by virtue of Secretary of State for Culture, Olympics, Media and Sport Order 2010 (S.I. 2010/1551), art. 1(2), Sch. para. 4(i)

#### Commencement Information

**I46** 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.



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#### Commencement Information

**I47** 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

**I48** 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

**I49** Sch. 5 para. 8 in force at 8.7.2005 by S.I. 2005/1831, art. 2

#### 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

**I50** 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

**I51** Sch. 5 para. 10 in force at 8.7.2005 by S.I. 2005/1831, art. 2



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### *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**

**I52** 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**

**I53** 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.
- (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**

**I54** Sch. 5 para. 13 in force at 8.7.2005 by S.I. 2005/1831, art. 2

### *Directions of the Secretary of State<sup>F36</sup>...*

#### **Textual Amendments**

**F36** Words in Sch. 5 para. 14 crossheading omitted (7.7.2010) by virtue of Secretary of State for Culture, Olympics, Media and Sport Order 2010 (S.I. 2010/1551), art. 1(2), Sch. para. 4(i)

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- 14 (1) In exercising its functions the Distributor shall comply with any direction given to it by the Secretary of State<sup>F37</sup> ....
- (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<sup>F37</sup> ... 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<sup>F37</sup> ... shall consult the Distributor.

#### Textual Amendments

**F37** Words in Sch. 5 para. 14 omitted (7.7.2010) by virtue of [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), art. 1(2), [Sch. para. 4\(i\)](#)

#### Commencement Information

**I55** 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).

#### Commencement Information

**I56** [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

**I57** [Sch. 5 para. 16](#) in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

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### *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<sup>F38</sup>... 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<sup>F38</sup>... shall lay before Parliament a copy of each report received by him under this paragraph.

#### **Textual Amendments**

**F38** Words in [Sch. 5 para. 17](#) omitted (7.7.2010) by virtue of [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), art. 1(2), [Sch. para. 4\(i\)](#)

#### **Commencement Information**

**I58** 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**

**I59** [Sch. 5 para. 18](#) in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

## **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<sup>F39</sup>... may determine, and
  - (b) such travelling and other allowances as the Secretary of State<sup>F39</sup>... may determine.
- (2) The Distributor may pay to or in respect of the Chairman or another member such sums as the Secretary of State<sup>F39</sup>... may determine by way of, or in respect of, pensions, allowances or gratuities.
- (3) If the Secretary of State<sup>F39</sup>... thinks that there are special circumstances that make it right for a person ceasing to hold office as Chairman or member of the Distributor

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to receive compensation, the Distributor may pay to him such compensation as the Secretary of State<sup>F39</sup>... may determine.

#### Textual Amendments

**F39** Words in [Sch. 5 para. 19](#) omitted (7.7.2010) by virtue of [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), art. 1(2), [Sch. para. 4\(i\)](#)

#### Commencement Information

**I60** 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

**I61** [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

**I62** [Sch. 5 para. 21](#) in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

#### Investment

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

#### Commencement Information

**I63** [Sch. 5 para. 22](#) in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

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### Miscellaneous receipts

- 23 (1) The Secretary of State<sup>F40</sup>... 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<sup>F40</sup>... 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).

#### Textual Amendments

**F40** Words in [Sch. 5 para. 23](#) omitted (7.7.2010) by virtue of [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), [art. 1\(2\)](#), [Sch. para. 4\(i\)](#)

#### Commencement Information

**I64** 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

**I65** [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<sup>F41</sup>..., 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<sup>F41</sup>... 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.

#### Textual Amendments

**F41** Words in [Sch. 5 para. 25](#) omitted (7.7.2010) by virtue of [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), [art. 1\(2\)](#), [Sch. para. 4\(i\)](#)

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#### Commencement Information

**I66** 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.

#### Commencement Information

**I67** Sch. 5 para. 26 in force at 8.7.2005 by [S.I. 2005/1831](#), [art. 2](#)

## SCHEDULE 6

Section 38

### REPEALS

#### Commencement Information

**I68** Sch. 6 in force at 8.4.2005 for specified purposes by [S.I. 2005/1134](#), [art. 2](#)

**I69** Sch. 6 in force at 13.7.2011 for specified purposes by [S.I. 2011/1704](#), [art. 2](#)

#### Short title and chapter

Betting, Gaming and Lotteries Act 1963  
(c. 2)

#### Extent of repeal

In section 1(5)(a), “but no other races”.

In section 3(1)—

- (a) “or to the Totalisator Board”,
- (b) “or, as the case may be, by the said Board”, and
- (c) “or by the said Board”.

In section 3(2)—

- (a) “or to the said Board”, and
- (b) “or, as the case may be, the Board”.

In section 3(3)—

- (a) “The said Board”, and
- (b) “by that Board or, as the case may be,”.

In section 5(3)—

- (a) “by the Totalisator Board or, with the authority of that Board, by the persons having the management of that racecourse”, and
- (b) “by that Board or, as the case may be, by those persons”.

In section 6(1) “only”.

In section 9—

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	<ul style="list-style-type: none"> <li>(a) in subsection (1) the words from “Provided that” to the end,</li> <li>(b) subsection (2)(b),</li> <li>(c) in subsection (2)(c)(i) “or by the Totalisator Board”, and</li> <li>(d) in subsection (2)(c)(i) “or, as the case may be, with or through that Board”.</li> </ul>
	Section 12.
	Section 14.
	Section 15.
	Section 24(2)(e).
	In section 31(1)—
	<ul style="list-style-type: none"> <li>(a) “and the Totalisator Board”,</li> <li>(b) “of each of the Boards”, and</li> <li>(c) “in question”.</li> </ul>
	In section 55(1)—
	<ul style="list-style-type: none"> <li>(a) in the definition of “bookmaker”, “other than the Totalisator Board”, and</li> <li>(b) the definitions of “recognised horse race”, “sponsored pool betting” and “the Totalisator Board”.</li> </ul>
	In paragraph 19(a)(i) of Schedule 1, “in the case of an applicant other than the Totalisator Board,”.
Horserace Totalisator and Betting Levy Boards Act 1972 (c. 69)	The whole Act.
Race Relations Act 1976 (c. 74)	In Part II of Schedule 1A, “The Horserace Totalisator Board”.
National Lottery etc. Act 1993 (c. 39)	Section 17. Section 21(2). Section 22(3)(e). Section 30.
Horserace Totalisator Board Act 1997 (c. 1)	The whole Act.
Trustee Act 2000 (c. 29)	Paragraph 34 of Schedule 2.
Freedom of Information Act 2000 (c. 36)	In Part VI of Schedule 1, “The Horserace Totalisator Board”.

**Status:**

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**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 21(1) words substituted by [2006 c. 23 Sch. 1 para. 16\(2\)\(a\)](#) (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. 21(2)(3) ceases to have effect by [2006 c. 23 Sch. 1 para. 16\(2\)\(b\)](#) (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. 21(3) ceases to have effect by [2006 c. 23 Sch. 1 para. 16\(2\)\(b\)](#) (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. 22(1) words substituted by [2006 c. 23 Sch. 1 para. 16\(3\)](#) (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. 24(1) substituted by [2006 c. 23 Sch. 1 para. 16\(4\)](#) (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. 26(4)(a) words substituted by [2006 c. 23 Sch. 1 para. 16\(5\)](#) (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.)
- s. 28(3)(a) words substituted by [2006 c. 23 Sch. 1 para. 16\(6\)](#) (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. 32(3)(a) words substituted by [2006 c. 23 Sch. 1 para. 16\(7\)](#) (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.)