



Horserace Betting and Olympic Lottery Act 2004

2004 CHAPTER 25

PART 3

NATIONAL LOTTERY: OLYMPIC LOTTERIES

Olympic Lottery Distributor

32 **Dissolution**

- (1) The Secretary of State ^{F1}... 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 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.

Changes to legislation: Horseshoe Betting and Olympic Lottery Act 2004, Section 32 is up to date with all changes known to be in force on or before 27 September 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

- (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) [^{F2}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 [^{F3}Transfer of Undertakings (Protection of Employment) Regulations 2006].
- (7) [^{F4}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

- F1** 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)**
- F2** 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**
- F3** 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)**
- F4** 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

- I1** S. 32 in force at 8.7.2005 by [S.I. 2005/1831](#), **art. 2**

Changes to legislation:

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Changes and effects yet to be applied to :

- 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.)