

SCHEDULES

SCHEDULE 11

EXEMPT LOTTERIES

PART 5

REGISTRATION WITH LOCAL AUTHORITY

Local authority

- 41 In this Part “local authority” means—
- (a) in relation to England—
 - (i) a district council,
 - (ii) a county council for a county in which there are no district councils,
 - (iii) a London borough council,
 - (iv) the Common Council of the City of London, and
 - (v) the Council of the Isles of Scilly,
 - (b) in relation to Wales,
 - (i) a county council, and
 - (ii) a county borough council, and
 - (c) in relation to Scotland, a licensing board constituted under section 1 of the Licensing (Scotland) Act 1976 (c. 66).

Application

- 42 (1) A society may apply to the relevant local authority for registration under this Part.
- (2) An application under this paragraph—
- (a) must be in the prescribed form,
 - (b) must specify the purposes for which the society is conducted,
 - (c) must contain such other information, and be accompanied by such documents, as may be prescribed, and
 - (d) must be accompanied by the prescribed fee.
- 43 In relation to the registration of a society, the relevant local authority is the local authority for the area in which the principal premises of the society are situated.

Registration

- 44 As soon as is reasonably practicable after receipt of an application under paragraph 42 a local authority shall, subject to paragraphs 47 and 48—
- (a) enter the applicant, together with such information as may be prescribed, in a register kept by the authority for the purposes of this Part,

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- (b) notify the applicant of his registration, and
- (c) notify the Commission of the registration.

Gambling Commission

- 45 As soon as is reasonably practicable after receipt of notice of a registration under paragraph 44(c) the Commission shall record the registration.
- 46 (1) A notice under paragraph 44(c) must be accompanied by such part of the application fee as may be prescribed.
- (2) In sub-paragraph (1) “application fee” means the fee accompanying an application under paragraph 42.

Refusal of registration

- 47 A local authority shall refuse an application for registration if in the period of five years ending with the date of the application—
- (a) an operating licence held by the applicant for registration has been revoked under section 119(1), or
 - (b) an application for an operating licence made by the applicant for registration has been refused.
- 48 A local authority may refuse an application for registration if they think that—
- (a) the applicant is not a non-commercial society,
 - (b) a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
 - (c) information provided in or with the application for registration is false or misleading.
- 49 A local authority may not refuse an application for registration unless they have given the applicant an opportunity to make representations.

Revocation

- 50 (1) A local authority may revoke a registration under this Part if they think that they would be obliged or permitted to refuse an application for the registration were it being made anew.
- (2) Where a local authority revoke a registration under this Part they shall specify that the revocation takes effect—
- (a) immediately, or
 - (b) at the end of such period, beginning with the day of the revocation and not exceeding two months, as they may specify.
- (3) A local authority may not revoke a registration under this Part unless they have given the registered society an opportunity to make representations.

Appeal

- 51 (1) If a local authority refuse or revoke registration under this Part—
- (a) the authority shall notify the applicant society or the formerly registered society as soon as is reasonably practicable, and

- (b) the society may appeal to a magistrates' court.
- (2) An appeal under this paragraph must be instituted—
 - (a) in a magistrates' court for a local justice area which is wholly or partly within the area of the local authority against whose decision the appeal is brought,
 - (b) by notice of appeal given to the designated officer, and
 - (c) in the period of 21 days beginning with the day on which the society is notified of the refusal or revocation of registration, and
- (3) On an appeal under this paragraph a magistrates' court may—
 - (a) affirm the local authority's decision;
 - (b) reverse the local authority's decision;
 - (c) make any other order (which may include transitional provision).
- (4) In relation to registration in Scotland—
 - (a) sub-paragraph (1)(b) shall have effect as if the reference to a magistrate's court were a reference to a sheriff whose sheriffdom is wholly or partly within the area of the local authority against whose decision the appeal is brought,
 - (b) sub-paragraph (2)(a) and (b) shall not have effect, and
 - (c) sub-paragraph (3) shall have effect as if the reference to a magistrate's court were a reference to the sheriff.

Cancellation

- 52 A registered society may apply in writing to the registering authority for the registration to be cancelled.
- 53 As soon as is reasonably practicable after receipt of an application under paragraph 52 a local authority shall—
 - (a) cancel the registration,
 - (b) notify the formerly registered society of the cancellation, and
 - (c) notify the Commission of the cancellation.

Annual fee

- 54 (1) A registered society shall pay an annual fee to the registering local authority.
- (2) An annual fee—
 - (a) shall be paid within such period before each anniversary of the registration as may be prescribed, and
 - (b) shall be of the prescribed amount.
- (3) If a registered society fails to comply with this paragraph the registering authority may cancel the society's registration.
- (4) If a local authority cancel a registration under sub-paragraph (3) the authority shall as soon as is reasonably practicable notify—
 - (a) the formerly registered society, and
 - (b) the Commission.

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Retention of records

- 55 (1) Where a statement is sent to a local authority under paragraph 39 the authority shall—
- (a) retain it for at least 18 months,
 - (b) make it available for inspection by members of the public at all reasonable times, and
 - (c) make arrangements for the provision of a copy of it or part of it to any member of the public on request.
- (2) But a local authority may refuse to provide access or a copy unless the person seeking access or a copy pays a fee specified by the authority.
- (3) A local authority may not specify a fee under sub-paragraph (2) which exceeds the reasonable cost of providing the service sought (but in calculating the cost of providing a service to a person the authority may include a reasonable share of expenditure which is referable only indirectly to the provision of that service).

Interpretation: “prescribed”

- 56 In this Part “prescribed” means prescribed by the Secretary of State by regulations except that, in the following provisions, it means prescribed by the Scottish Ministers by regulations—
- (a) in paragraph 42(2)(d), where the application is made to a local authority in Scotland,
 - (b) in paragraph 46(1), where the local authority giving notice is in Scotland, and
 - (c) in paragraph 54(2)(b), where the registering local authority is in Scotland.