

*Changes to legislation: There are currently no known outstanding effects for the Gambling Act 2005, SCHEDULE 4. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 4 **E+W+S**

Section 20

#### THE GAMBLING COMMISSION

##### *Constitution*

- 1 The Gambling Commission shall consist of a chairman and other commissioners appointed by the Secretary of State.

##### **Commencement Information**

**II** Sch. 4 para. 1 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), Sch. (with art. 3)

##### *Tenure*

- 2 (1) A commissioner shall hold and vacate office in accordance with the terms of his appointment (subject to this Schedule).
- (2) A commissioner may resign by notice in writing to the Secretary of State.
- (3) If the Secretary of State thinks that a commissioner is unable, unfit or unwilling to perform his functions, the Secretary of State may dismiss the commissioner.

##### **Commencement Information**

**I2** Sch. 4 para. 2 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), Sch. (with art. 3)

- 3 The chairman—
- (a) shall hold and vacate office in accordance with the terms of his appointment (subject to this Schedule),
  - (b) may resign by notice in writing to the Secretary of State, and
  - (c) shall cease to be chairman if he ceases to be a commissioner.

##### **Commencement Information**

**I3** Sch. 4 para. 3 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), Sch. (with art. 3)

- 4 The Secretary of State may not appoint a person as commissioner—
- (a) for a period of more than five years, or
  - (b) for periods (whether or not consecutive) exceeding ten years in aggregate.

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**Commencement Information**

**I4** Sch. 4 para. 4 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), Sch. (with art. 3)

*Staff*

- 5 (1) The Commission may, with the Secretary of State's consent as to terms and conditions of employment, appoint a chief executive.
- (2) A person—
- (a) may hold appointment both as the chief executive and as a commissioner, but
  - (b) may not hold appointment both as the chief executive and as the chairman.
- (3) Where a person holds appointment both as the chief executive and as a commissioner, if he ceases to be the chief executive he shall cease to be a commissioner.

**Commencement Information**

**I5** Sch. 4 para. 5 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), Sch. (with art. 3)

- 6 The Commission may, with the Secretary of State's consent as to terms and conditions of employment, appoint other staff.

**Commencement Information**

**I6** Sch. 4 para. 6 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), Sch. (with art. 3)

*Proceedings*

- 7 The Commission shall—
- (a) determine arrangements for the conduct of its proceedings (which may, in particular, include arrangements for a quorum), and
  - (b) publish those arrangements.

**Commencement Information**

**I7** Sch. 4 para. 7 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), Sch. (with art. 3)

- 8 (1) The Commission may delegate a function to—
- (a) a commissioner,
  - [<sup>F1</sup>(b) a committee of the Commission consisting of—
    - (i) commissioners, or
    - (ii) one or more commissioners and one or more employees of the Commission, or]
    - (c) an employee of the Commission.
- (2) Sub-paragraph (1) applies to any function of the Commission including, in particular—
- (a) a discretionary function;

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- (b) the function of conducting a review;
- (c) the function of determining whether to revoke a licence or of determining whether to impose a requirement to pay a penalty.

**Textual Amendments**

- F1** Sch. 4 para. 8(1)(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. 15** (with art. 8, Sch. para. 43)

**Commencement Information**

- I8** Sch. 4 para. 8 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), **Sch.** (with art. 3)

*Money*

- 9 The Commission may, with the consent of the Secretary of State, pay to or in respect of a commissioner or employee sums by way of or in respect of—
- (a) remuneration;
  - (b) allowances;
  - (c) expenses;
  - (d) pension;
  - (e) gratuity.

**Commencement Information**

- I9** Sch. 4 para. 9 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), **Sch.** (with art. 3)

- 10 The Secretary of State may make payments to the Commission for the purpose of enabling the Commission to meet such of its expenses as cannot be met out of fees paid to the Commission under this Act.

**Commencement Information**

- I10** Sch. 4 para. 10 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), **Sch.** (with art. 3)

- 11 The Commission may, with the consent of the Secretary of State, borrow money.

**Commencement Information**

- I11** Sch. 4 para. 11 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), **Sch.** (with art. 3)

- 12 The Commission may pay money into the Consolidated Fund.

**Commencement Information**

- I12** Sch. 4 para. 12 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), **Sch.** (with art. 3)

- 13 The Commission shall keep accounting records in such form as the Secretary of State may direct.

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**Commencement Information**

**I13** Sch. 4 para. 13 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), Sch. (with art. 3)

- 14 (1) The Commission shall prepare a statement of accounts for each financial year in such form as the Secretary of State may direct.
- (2) The Commission shall send a copy of a statement of accounts under sub-paragraph (1) to—
- (a) the Secretary of State, and
  - (b) the Comptroller and Auditor General.
- (3) The Commission must comply with sub-paragraph (2) within such period, beginning with the end of the financial year to which the accounts relate, as the Secretary of State may specify.
- (4) The Comptroller and Auditor General shall—
- (a) examine a statement sent to him under sub-paragraph (2),
  - (b) report on it, and
  - (c) lay a copy of his report before Parliament.

**Commencement Information**

**I14** Sch. 4 para. 14 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), Sch. (with art. 3)

- 15 (1) The financial year of the Commission shall be the period of 12 months ending with 31st March.
- (2) But the first financial year of the Commission shall be the period—
- (a) beginning with the commencement of section 20, and
  - (b) ending with the following 31st March.

**Commencement Information**

**I15** Sch. 4 para. 15 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), Sch. (with art. 3)

*Annual report*

- 16 (1) As soon as is reasonably practicable after the end of each financial year the Commission shall send to the Secretary of State a report about the activities of the Commission during the year.
- (2) Where the Secretary of State receives a report under sub-paragraph (1)—
- (a) he shall lay a copy before Parliament, and
  - (b) he may arrange for the report to be published.

**Commencement Information**

**I16** Sch. 4 para. 16 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), Sch. (with art. 3)

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*Status*

- 17 (1) The Commission shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) Property of the Commission shall not be regarded as property of or held on behalf of the Crown.
- (3) Membership of or employment by the Commission is not employment in the civil service of the State.

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**Commencement Information**

**I17** Sch. 4 para. 17 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), Sch. (with art. 3)

*Consent*

- 18 Consent given by the Secretary of State for the purposes of this Schedule may be general or specific.

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**Commencement Information**

**I18** Sch. 4 para. 18 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), Sch. (with art. 3)

**Changes to legislation:**

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