

SCHEDULE

Article 4

Transfer of functions

Amendments to the National Lottery etc. Act 1993

1. The 1993 Act is amended as follows.
2. In section 3A (the National Lottery Commission)(1)—
 - (a) in the heading, for “National Lottery” substitute “Gambling”;
 - (b) omit subsection (1); and
 - (c) in subsection (2), before “Commission” insert “Gambling”.
3. Section 4A (consultation with Gambling Commission)(2) is repealed.
4. In section 4B (disclosure of information)(3)—
 - (a) in subsections (1) and (2), for “National Lottery” substitute “Gambling”;
 - (b) in subsection (1), after “Commission” insert “for use in the exercise of its national lottery functions”;
 - (c) in subsection (2), after “information”, insert “received by it in the exercise of its national lottery functions”; and
 - (d) after subsection (5), insert—

“(6) In this section “national lottery functions” means functions conferred or imposed under or by virtue of—

 - (a) a provision of this Act other than section 10C, and
 - (b) Part 3 of the Horserace Betting and Olympic Lottery Act 2004.”.
5. In subsection (1)(a) and (b) of section 4C (wrongful disclosure)(4), for “National Lottery” substitute “Gambling”.
6. In section 10C (annual levy)(5)—
 - (a) in subsections (1) and (5), for “Gambling Commission” substitute “Commission”;
 - (b) in subsection (7)—
 - (i) in paragraph (a), for “Gambling Commission” substitute “Commission”; and
 - (ii) in paragraph (b), omit “National Lottery”; and
 - (c) omit subsection (8).
7. In section 14 (annual report)(6)—
 - (a) in subsection (1), before “functions” insert “relevant”;
 - (b) after subsection (2), insert—

“(2A) In subsection (1) “relevant functions” means functions conferred or imposed under or by virtue of—

(1) Section 3A was inserted by section 1(3) of the National Lottery Act 1998 (c.22).

(2) Section 4A was inserted by paragraph 2 of Schedule 3 to the Gambling Act 2005 (c.19).

(3) Section 4B was inserted by section 2 of the National Lottery Act 2006 (c.23).

(4) Section 4C was inserted by section 2 of the National Lottery Act 2006.

(5) Section 10C was inserted by paragraph 1 of Schedule 3 to the Gambling Act 2005.

(6) By virtue of paragraph 4 of Schedule 1 to the National Lottery Act 1998, references to the Director General of the National Lottery in section 14(1) have effect as if they referred to the National Lottery Commission. Section 14(4) was added by paragraph 12(2) of Schedule 5 to the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750).

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- (a) a provision of this Act other than section 10C,
 - (b) Part 3 of the Horserace Betting and Olympic Lottery Act 2004, and
 - (c) section 6(2) of the National Lottery Act 2006.”; and
- (c) in subsection (4), omit “National Lottery”.
- 8.** In section 20 (interpretation of Part 1), in the definition of “the Commission”(7), for “National Lottery” substitute “Gambling”.
- 9.** In section 31 (payments from Distribution Fund in respect of expenses)(8)—
- (a) in subsection (2)(aa), for “Schedule 2A” substitute “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”; and
 - (b) after subsection (4), insert—
 - “(5) In subsection (2)(aa) “relevant functions” means functions conferred or imposed under or by virtue of—
 - (a) a provision of this Act other than section 10C,
 - (b) Part 3 of the Horserace Betting and Olympic Lottery Act 2004, and
 - (c) section 6(2) of the National Lottery Act 2006.”.
- 10.** In Schedule 2A (the National Lottery Commission)(9)—
- (a) in the heading, for “National Lottery” substitute “Gambling”; and
 - (b) omit paragraphs 1 to 8 and 10 to 14.

Amendments to the Gambling Act 2005

- 11.** The Gambling Act 2005(10) is amended as follows.
- 12.** In section 30 (other exchange of information), insert—
- “(9) Nothing in this section authorises—
 - (a) the Commission to provide to the Commissioners for Her Majesty’s Revenue and Customs information received by it in the exercise of its national lottery functions, or
 - (b) the Commissioners for Her Majesty’s Revenue and Customs to provide information to the Commission for use in the exercise of its national lottery functions;
- and for these purposes “national lottery functions” has the meaning given by section 4B(6) of the National Lottery etc. Act 1993 (disclosure of information between the Commission and the Commissioners for Her Majesty’s Revenue and Customs).”.
- 13.** Section 31 (consultation with the National Lottery Commission) is repealed.
- 14.** Omit paragraph 2 of Schedule 3 (amendment of National Lottery etc. Act 1993).
- 15.** For paragraph 8(1)(b) of Schedule 4 (the Gambling Commission) substitute—
- “(b) a committee of the Commission consisting of—
 - (i) commissioners, or

(7) The definition of “the Commission” in section 20 was inserted by paragraph 14(a) of Schedule 1 to the National Lottery Act 1998.

(8) Section 31(2)(aa) was inserted by paragraph 15(2)(b) of Schedule 1 to the National Lottery Act 1998.

(9) Schedule 2A was inserted by paragraph 7 of Schedule 1 to the National Lottery Act 1998.

(10) 2005 c.19.

(ii) one or more commissioners and one or more employees of the Commission, or”.

16. In Part 1 of Schedule 6 (exchange of information: persons and bodies), omit the entry relating to the National Lottery Commission.

Amendments to other enactments

17. In Schedule 1 (definition of public records) to the Public Records Act 1958(**11**), in Part 2 of the table at the end of paragraph 3—

(a) insert the following entry at the appropriate place—

“Gambling Commission.”; and

(b) omit the entry relating to the National Lottery Commission.

18. In Schedule 2 (departments etc. subject to investigation) to the Parliamentary Commissioner Act 1967(**12**), omit the entry relating to the National Lottery Commission.

19. In Schedule 1 (kinds of employment, etc., referred to in section 1) to the Superannuation Act 1972(**13**), omit the entry relating to the National Lottery Commission.

20. In Part 2 of Schedule 1 (offices disqualifying for membership) to the House of Commons Disqualification Act 1975(**14**), omit the entry relating to the National Lottery Commission.

21. In Part 2 of Schedule 1 (offices disqualifying for membership) to the Northern Ireland Assembly Disqualification Act 1975(**15**)—

(a) insert the following entry at the appropriate place—

“The Gambling Commission.”; and

(b) omit the entry relating to the National Lottery Commission.

22. In Schedule 15D (disclosures) to the Companies Act 1985(**16**)—

(a) for paragraph 23 substitute—

“**23.** A disclosure for the purpose of enabling or assisting the Gambling Commission to exercise its functions under any of the following—

(a) the Gambling Act 2005;

(b) sections 5 to 10 and 15 of the National Lottery etc. Act 1993.”;

(b) in paragraph 24, for “National Lottery Commission”, in both places, substitute “Gambling Commission”; and

(c) omit paragraph 50.

23. In the table in subsection (4) of section 87 (exceptions from restrictions on disclosure of information) of the Companies Act 1989(**17**)—

(11) 1958 c. 51 (6 and 7 Eliz. 2); the entry for the National Lottery Commission was inserted by paragraph 8 of Schedule 1 to the National Lottery Act 1998.

(12) 1967 c. 13. The original entry for the National Lottery Commission was inserted by paragraph 9(a) of Schedule 1 to the National Lottery Act 1998; the current Schedule 2 was inserted by the Parliamentary Commissioner (No.2) Order 2011 (S.I. 2011/2986).

(13) 1972 c. 11; the entry for the National Lottery Commission was inserted by paragraph 6(6) of Schedule 2A to the 1993 Act; Schedule 2A to the 1993 Act was inserted by paragraph 7 of Schedule 1 to the National Lottery Act 1998.

(14) 1975 c. 24; the entry for the National Lottery Commission was inserted by paragraph 10(a) of Schedule 1 to the National Lottery Act 1998.

(15) 1975 c. 25; the entry for the National Lottery Commission was inserted by virtue of paragraph 11(a) of Schedule 1 to the National Lottery Act 1998.

(16) 1985 c. 6. Paragraphs 23 and 24 were inserted by paragraph 25 of Schedule 2 to the Companies (Audit, Investigations and Community Enterprise) Act 2004 (c.27); paragraph 50 was inserted by the Companies (Disclosure of Information) (Designated Authorities) Order 2006 (S.I. 2006/1644), article 2.

(17) 1989 c. 40.

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- (a) omit the entry relating to the National Lottery Commission⁽¹⁸⁾; and
- (b) for the words in the second column of the entry relating to the Gambling Commission, substitute—
 - “Functions under—
 - (a) the Gambling Act 2005,
 - (b) sections 5 to 10 and 15 of the National Lottery etc. Act 1993.”

24. In Part 1 of Schedule 1 (tribunals under general supervision of Council) to the Tribunals and Inquiries Act 1992⁽¹⁹⁾, in the second column (tribunal and statutory authority) of the entry relating to the National Lottery—

- (a) for “National Lottery Commission” substitute “Gambling Commission”;
- (b) for “their” substitute “its”;
- (c) for “member” substitute “commissioner”; and
- (d) for “Schedule 2A to that Act” substitute “Schedule 4 to the Gambling Act 2005”.

25. In Schedule 1 (replacement of Director General by Commission: supplementary provisions) to the National Lottery Act 1998⁽²⁰⁾, omit paragraphs 8 to 11.

26. In Part 6 of Schedule 1 (public authorities) to the Freedom of Information Act 2000⁽²¹⁾, omit the entry relating to the National Lottery Commission.

27. In the Horserace Betting and Olympic Lottery Act 2004⁽²²⁾—

- (a) in subsection (2)(b) of section 21 (licensing of Olympic Lotteries), for “National Lottery” substitute “Gambling”;
- (b) in subsection (5)(b) of section 22 (timing), for “National Lottery” substitute “Gambling”;
- (c) in section 26 (payments out of Fund)—
 - (i) in subsection (2)(f), for “Schedule 2A to the National Lottery etc. Act 1993 (expenses of National Lottery Commission)” substitute “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”; and
 - (ii) after subsection (6), insert—
 - “(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.”; and
- (d) in subsection (4)(b)(i) of section 31 (distribution policy), for “National Lottery” substitute “Gambling”.

⁽¹⁸⁾ The entry relating to the Director General of the National Lottery was added to the table in section 87(4) by article 3 of the Financial Services (Disclosure of Information) (Designated Authorities) (No.8) Order 1994 (S.I. 1994/340). By virtue of paragraph 4 of Schedule 1 to the National Lottery Act 1998, section 87(4) has effect as if the reference to the Director General of the National Lottery was a reference to the National Lottery Commission.

⁽¹⁹⁾ 1992 c. 53. The original entry relating to the National Lottery was inserted by paragraph 8 of Schedule 2 to the National Lottery etc. Act 1993; this entry was substituted by paragraph 12(3) of Schedule 1 to the National Lottery Act 1998.

⁽²⁰⁾ 1998 c. 22.

⁽²¹⁾ 2000 c. 36.

⁽²²⁾ 2004 c. 25; the amendments made to sections 22(5), 26(2)(f) and 31(4)(b)(i) by paragraph 2 of Schedule 1 to the Transfer of Functions (Olympics and Paralympics) Order 2007 (S.I. 2007/2129) were repealed by paragraph 4 of the Schedule to the Secretary of State for Culture, Olympics, Media and Sport Order 2010 (S.I. 2010/1551).

28. In subsection (2) of section 6 (licensing structure) of the National Lottery Act 2006(**23**), for “National Lottery” substitute “Gambling”.

29. In the Companies Act 2006(**24**)—

- (a) in Part 2 of Schedule 2 (specified persons, descriptions of disclosures etc. for the purposes of section 948)—
 - (i) in paragraph A31, for “National Lottery Commission” substitute “Gambling Commission”; and
 - (ii) in paragraph A32, for “National Lottery Commission”, in both places, substitute “Gambling Commission”; and
- (b) in Part 2 of Schedule 11A (specified persons, descriptions, disclosures etc. for the purposes of section 1224A)—
 - (i) in paragraph 46, for “National Lottery Commission” substitute “Gambling Commission”; and
 - (ii) in paragraph 47, for “National Lottery Commission”, in both places, substitute “Gambling Commission”.

Amendments to subordinate legislation

30. In article 3(1)(h) of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(**25**), for “National Lottery Commission” substitute “Gambling Commission”.

31. In the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979(**26**)—

- (a) in article 2(f), for “National Lottery Commission” substitute “Gambling Commission”; and
- (b) in paragraphs 18(a) and (b) of Schedule 3 (excepted proceedings), for “National Lottery Commission” substitute “Gambling Commission”.

32. In the Financial Services (Disclosure of Information) (Designated Authorities) (No.8) Order 1994(**27**), omit article 3.

33. In the National Lottery (Imposition of Penalties and Revocation of Licences) Procedure Regulations 1999(**28**)—

- (a) for the definition of “the Director General” in regulation 3, substitute—
““the Commission” means the Gambling Commission;”; and
- (b) in every other place in which it occurs—
 - (i) for “Director General” substitute “Commission”; and
 - (ii) for “he”, “him” or “his”, where its use relates to the Director General, substitute “it” or “its” as appropriate.

34. In the Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001(**29**)—

- (a) in regulation 12A, for “National Lottery” substitute “Gambling”;

(23) 2006 c. 23.

(24) 2006 c. 46. Schedule 2 was substituted by article 2 of, and the Schedule to, the Companies Act 2006 (Amendment of Schedule 2) (No.2) Order 2009 (S.I. 2009/1208); Schedule 11A was inserted by regulation 8(2) of, and the Schedule to, the Statutory Auditors and Third Country Auditors Regulations 2007 (S.I. 2007/3494).

(25) S.I. 1975/1023; relevant amending instruments are S.I. 2002/441, 2003/231 and 2013/1198.

(26) S.R. 1979/195, amended by S.I. 2003/355; there are other amending instruments, but none is relevant.

(27) S.I. 1994/340, to which there is an amendment not relevant to this Order.

(28) S.I. 1999/137, to which there are amendments not relevant to this Order.

(29) S.I. 2001/2188; relevant amending instruments are S.I. 2001/3624, 2006/3413, 2012/725 and 2012/916.

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- (b) in Schedule 2 (disclosure of confidential information not subject to single market restrictions), omit the entry for the National Lottery Commission; and
 - (c) in paragraph (b)(x) of Schedule 3 (prescribed disciplinary proceedings)—
 - (i) for “National Lottery Commission” substitute “Gambling Commission”; and
 - (ii) for “their” substitute “its”.
- 35.** In the Companies (Disclosure of Information) (Designated Authorities) (No.2) Order 2002(**30**), for “National Lottery Commission”, in both places, substitute “Gambling Commission”—
- (a) in paragraph (2) of article 2 (designation of the Comptroller and Auditor General for the purposes of section 449(1B) of the 1985 Act; and restriction on disclosure under that section); and
 - (b) in paragraph (4) of article 3 (addition of the Comptroller and Auditor General to the Table in section 87(4) of the 1989 Act; and restriction on disclosure under section 87(1)(b)).
- 36.** In regulation 3 (payments in respect of expenses of the National Lottery Commission) of the Olympic Lotteries (Payments out of Fund) Regulations 2006(**31**)—
- (a) in the heading, for “National Lottery” substitute “Gambling”;
 - (b) in paragraph (1), for “Schedule 2A to the 1993 Act” substitute “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”;
 - (c) in paragraph (2), for “Schedule 2A to the 1993 Act”, substitute “Schedule 4 to the Gambling Act 2005”; and
 - (d) after paragraph (2), insert—
 - “(3) In paragraph (1), “relevant functions” means functions conferred or imposed under or by virtue of—
 - (a) a provision of the 1993 Act other than section 10C,
 - (b) Part 3 of the 2004 Act, and
 - (c) section 6(2) of the National Lottery Act 2006.”.
- 37.** In the Companies (Disclosure of Information) (Designated Authorities) Order 2006(**32**), omit article 2.
- 38.** In the table in Part 1 of the Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007(**33**), at the end of the entry for the Gambling Commission, add—
- “, other than any regulatory function exercised under—
- the National Lottery etc. Act 1993 (except for its functions under section 10C)
- Part 3 of the Horserace Betting and Olympic Lottery Act 2004”.
- 39.**—(1) In the Schedule to the English language text of the Welsh Language Schemes (Public Bodies) Order 2008(**34**), omit the reference to “National Lottery Commission”.
- (2) In the Schedule to the Welsh language text of that Order, omit the reference to “*Comisiwn y Loteri Genedlaethol*”.

(30) [S.I. 2002/1889](#), amended by [S.I. 2012/725](#).

(31) [S.I. 2006/655](#), amended by [S.I. 2007/2129](#) and [2010/1551](#).

(32) [S.I. 2006/1644](#).

(33) [S.I. 2007/3544](#), to which there are amendments not relevant to this Order.

(34) [S.I. 2008/1890](#).

40. In the definition of “the Commission” in regulation 2 of the National Lottery (Annual Licence Fees) Regulations 2010⁽³⁵⁾, for “National Lottery” substitute “Gambling”.

41. In the Schedule to the Official Statistics Order 2013⁽³⁶⁾, omit the entry relating to the National Lottery Commission.

42. In the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013⁽³⁷⁾—

(a) for paragraph 3 of Schedule 1 (proceedings) substitute—

“**3.** Proceedings—

(a) before the Gambling Commission, including proceedings in respect of the grant or revocation of a licence under Part 1 of the National Lottery etc. Act 1993; or

(b) by way of appeal to the Court of Session against the revocation of such a licence by the Gambling Commission.”;

(b) omit paragraph 14 of Schedule 1; and

(c) in Schedule 3 (exclusions of section 4(2)(a) and (b) of the Act), in the heading to paragraph 8 and in paragraph 8, for “National Lottery Commission” substitute “Gambling Commission”.

43. The amendments made by this Schedule are without prejudice to the generality of article 8(4).

⁽³⁵⁾ S.I. 2010/17.

⁽³⁶⁾ S.I. 2013/1163.

⁽³⁷⁾ S.S.I. 2013/50, to which there are amendments not relevant to this Order.