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AN BILLE UM CHRANNCHUR NÁISIÚNTA, 1986
NATIONAL LOTTERY BILL, 1986

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As initiated

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ACTS REFERRED TO

Arbitration Act, 1954	1954, No. 26
Companies Act, 1963	1963, No. 33
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European Assembly Elections Act, 1977	1977, No. 30
European Assembly Elections Act, 1984	1984, No. 6



AN BILLE UM CHRANNCHUR NÁISIÚNTA, 1986
NATIONAL LOTTERY BILL, 1986

BILL

entitled

5 AN ACT TO PROVIDE FOR THE HOLDING BY OR ON
BEHALF OF THE MINISTER FOR FINANCE OF A
7 NATIONAL LOTTERY, TO AMEND THE GAMING AND
LOTTERIES ACTS, 1956 TO 1979, AND TO PROVIDE FOR
10 MATTERS CONNECTED WITH THE MATTERS AFORE-
SAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act—

Definitions.

“the Company” has the meaning assigned to it by *section 10* of this Act;

15 “company”, “director”, “share” and “subsidiary” have the meanings respectively assigned to them by the Companies Act, 1963;

“the Fund” means the National Lottery Fund established under *section 8* of this Act;

20 “hold”, in relation to a national lottery, includes establish, promote, organise and conduct;

“licence” means a licence under *section 3* of this Act;

“licensee” means the holder of a licence for the time being in force;

25 “lottery game” means any game, competition or other procedure in which or whereby prizes (whether money prizes or otherwise) are distributed by lot or chance among persons participating in the game, competition or other procedure;

“manager” means a person appointed under *section 31 (2)* of this Act in relation to the Company;

“the Minister” means the Minister for Finance;

30 “the National Lottery” means any lottery game or combination of lottery games held by the Minister or held under a licence in accordance with the rules contained in a scheme under *section 29 (1)* of this Act in relation to that game or each of those games;

35 “National Lottery ticket” means a ticket entitling its owner to participate in the National Lottery;

“winning ticket” means a ticket the owner of which is entitled to a prize in the National Lottery.

Power of Minister to hold or procure holding of National Lottery.

2.—(1) The Minister may hold or procure the holding of the National Lottery in accordance with the provisions of this Act, but the Minister shall not hold or procure (otherwise than under the licence) the holding of a lottery game at a time when a licence is in force. 5

(2) The Minister shall have all such powers as may be necessary or expedient for the purposes of the holding by him of the National Lottery and the provisions of this Act shall, as respects the National Lottery if and when it is held by the Minister, apply and have effect with any necessary modifications or adaptations in relation to the National Lottery if and when it is so held and to the Minister as they apply and have effect in relation to the National Lottery held by the Company and to the Company. 10 15

Grant by Minister of licence to hold National Lottery.

3.—(1) (a) The Minister may grant a licence to a person authorising the holding on behalf of the Minister of the National Lottery.

(b) Not more than one licence under this subsection shall be in force at any time. 20

(2) Upon or at any time after the expiration or revocation of a licence, the Minister may grant a further licence under *subsection (1)* of this section to the person who was the holder of the first-mentioned licence.

(3) When a licence is granted to a person for the first time, the duration of the licence shall be such period not exceeding 10 years as the Minister may determine; the duration of any subsequent licence granted to the person shall be such period as the Minister may determine. 25

(4) The Minister may attach to a licence such terms and conditions as he considers necessary or expedient and specifies in the licence and may, at any time during the currency of a licence, by notice in writing given to the licensee, amend its terms or conditions or insert into it or delete from it terms or conditions. 30

(5) The Minister may at any time, for reasons that seem to him to be sufficient and are stated in a notice in writing given to the licensee, revoke a licence. 35

(6) The Minister shall not grant a licence to a person unless he is satisfied as to the suitability and competence of the person to hold, or, as the case may be, procure the holding of the National Lottery. 40

(7) A licence shall be in writing and shall be expressed to authorise a company, being the licensee or a subsidiary of the licensee or, in a case where the licensee is not a company, a company which, if the licensee were a company, would be a subsidiary of the licensee, to hold the National Lottery on behalf of the Minister. 45

Prizes in National Lottery.

4.—(1) The number, form (whether sums of money or otherwise) and value of the prizes to be distributed in the National Lottery shall, subject to *subsection (2)* of this section, be determined by the Company.

- 5 (2) The total value of the prizes distributed in the National Lottery in any financial year of the Company shall, taking one year with another, be equal to not less than 40 per cent. of the total moneys received by the Company in that year in respect of the sale of National Lottery tickets in that year.

5.—(1) Moneys paid into the Central Fund pursuant to *section 8* of this Act shall be applied for such general purposes, and such amounts of those moneys shall be applied for each such purpose, as the Government may determine from time to time.

Application of net proceeds of National Lottery.

- 10 (2) Whenever a purpose is determined under *paragraph (a)* of this subsection, notice of the purpose shall be published in *Iris Oifigiúil*.

(3) Amounts required for a purpose determined under this section shall be paid out of moneys provided by the Oireachtas.

- 15 6.—(1) Whenever the National Lottery is held by the Company, the Minister may from time to time appoint one or more persons whose functions shall be to examine the conduct generally of the National Lottery and to report thereon to the Minister, and for those purposes, but without prejudice to the generality of the foregoing, to investigate—

Independent scrutiny of National Lottery held by Company.

- 20 (a) its organisation, management and procedures,
- (b) the system for selecting winning tickets and the methods employed to prevent fraud in, or the manipulation of, that system and to ensure its fairness, accuracy, efficiency and reliability,
- 25 (c) the manner of the selection, organisation and supervision of staff of the Company engaged in—
- (i) the handling or processing of National Lottery tickets or numbers for National Lottery tickets and the selection of National Lottery tickets to be winning tickets, and
- 30 (ii) the installation, operation, maintenance, repair or supervision of computers or other electronic devices, or devices of any kind, used for the purposes of the National Lottery,
- 35 (d) the installation, operation, maintenance, repair and supervision of computers or other electronic devices, or devices of any kind, used for the purposes of the National Lottery,
- (e) the operation of this Act and any regulations thereunder in relation to the National Lottery and whether the provisions of this Act and any such regulations are being complied with in relation thereto.
- 40

(2) A person appointed under this section shall report to the Minister—

- 45 (a) at such intervals (not being intervals of more than one year) as he thinks desirable in relation to the matters specified in *subsection (1)* of this section, and

- (b) from time to time in relation to any other matters as respects the National Lottery which he considers should be so reported or which are specified by the Minister.

(3) For the purposes of his functions under this Act, a person appointed under this section may enter and remain on the premises of the Company at all reasonable times and shall have access to and may inspect any National Lottery tickets or any records kept by the Company (whether in legible form or otherwise) relating to the National Lottery and may take copies of or of extracts from the records.

(4) Every director of the Company, and every employee of the Company who is concerned in the National Lottery, shall give to a person appointed under this section such information in his possession relating to the National Lottery as may be requested by that person.

(5) A person appointed under this section may, if he so thinks fit, make recommendations to the Minister in relation to the National Lottery or its conduct (including a recommendation that the Minister should appoint a manager in relation to the Company, or should give a direction to the Company in relation to a specified matter, under section 31 of this Act).

(6) The remuneration and any expenses payable to a person appointed by the Minister under this section shall be paid by the Minister out of the Fund.

(7) A person who fails or refuses to comply with a request duly made under subsection (4) of this section in relation to information in his possession or who obstructs or hinders a person appointed under subsection (1) of this section in the performance of his functions under this section, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.

Sale of National
Lottery tickets.

7.—(1) (a) The Company may authorise such persons as it may determine to sell National Lottery tickets.

(b) The total number of persons who may be authorised under this subsection to sell National Lottery tickets shall be determined by the Company with the consent of the Minister.

(2) An authorisation under this section shall be in writing and shall be subject to such terms and conditions (including terms and conditions relating to the remuneration of persons by the Company in respect of the sale by them of National Lottery tickets and the time, form and method of such remuneration) as may be determined by the Company with the consent of the Minister and specified in the authorisation.

(3) A person (other than the Company) shall not sell, offer or expose for sale or invite an offer to buy or have in his possession for sale a National Lottery ticket unless he is the holder of an authorisation under this section entitling him to do so.

(4) A person shall not sell or offer for sale a National Lottery ticket to a person under the age of eighteen years or invite from such a person an offer to buy a National Lottery ticket.

(5) The form and price of a National Lottery ticket shall be determined by the Company.

5 (6) (a) The Company shall not give, distribute or sell to any person (other than holders of authorisations under this section) National Lottery tickets free of charge or at a price less than that at which they are sold to members of the public generally.

(b) This subsection does not apply to National Lottery tickets awarded as prizes in the National Lottery.

10 (7) (a) None of the following persons shall be entitled to own a National Lottery ticket that has been purchased for value or awarded as a prize in the National Lottery or any part of such a ticket:

15 (i) the Company or a director, agent or employee of the Company,

(ii) a person who prints National Lottery tickets or an employee of his or, if the person is a company, a director of the company,

20 (iii) a person who supplies any computers or other electronic devices of any kind, or parts for, or equipment or computer programming or instructions for use in or in conjunction with, any such devices used by the Company or a person who operates, maintains or repairs any such devices used by the Company or an employee of any of the persons aforesaid or, in the case of a person aforesaid that is a company, a director of the company.

25 (b) If a person specified in *paragraph (a)* of this subsection becomes the owner of the whole or part of a National Lottery ticket—

30 (i) he shall be guilty of an offence and shall be liable—

(I) on summary conviction, to a fine not exceeding £1,000, or

35 (II) on conviction on indictment to a fine not exceeding £20,000,

40 (ii) the National Lottery ticket shall not be entered in the National Lottery and, if it is so entered, the owner or owners thereof shall not be entitled to be awarded any prize in the National Lottery in respect of the ticket, and

45 (iii) if a prize is awarded in the National Lottery to the owner or owners of the ticket, the prize shall be returned, not later than one month after its receipt, to the Company and, if it is not so returned, it or an amount equal to its value may be recovered by the Company from the owner or, jointly and severally, from the owners of the ticket as a simple contract debt in any court of competent jurisdiction.

- (c) It shall be a defence for a person charged with an offence under this section to show that the National Lottery ticket concerned was purchased for him without his knowledge or consent by another person and (in the case of a person other than the Company) that, as soon as reasonably possible after becoming aware of the purchase, he informed the Company of the purchase and of the fact that he was not entitled to be the owner of the ticket. 5

National Lottery
Fund.

8.—(1) The Minister shall cause to be established in the Central Bank of Ireland a fund which shall be known as the National Lottery Fund and is referred to in this Act as “the Fund”. 10

- (2) (a) The Fund shall be managed and controlled by the Minister and shall consist of a current account and an investment account.
- (b) Moneys payable into the Fund shall be paid into the current account of the Fund and moneys payable out of the Fund shall be paid out of that account. 15
- (c) Moneys standing to the credit of the current account and not required to meet current liabilities of the Fund shall be paid into the investment account of the Fund. 20
- (d) Whenever the moneys in the current account of the Fund are insufficient to meet current liabilities of that account, there shall be paid into that account from the investment account of the Fund such moneys as are necessary to meet those liabilities. 25
- (e) (i) The proceeds of the sale of National Lottery tickets, after deduction therefrom of any remuneration paid to sellers of National Lottery tickets and such amounts, if any, in respect of prizes in the National Lottery as the Minister may authorise, shall be paid into the Fund. 30
- (ii) Payments of remuneration to the Company under section 9 of this Act, and amounts in respect of prizes for winning tickets (other than amounts referred to in subparagraph (i) of this paragraph), shall be made out of the current account of the Fund. 35
- (f) (i) Subject to subparagraph (iii) of this paragraph, moneys in the investment account of the Fund that are not required to meet current and prospective liabilities of that account shall be invested and the investments shall be realised or varied from time to time as occasion requires and the proceeds of any such realisation, and any dividends or other payments received in respect of moneys invested under this paragraph, shall be paid into the investment account of the Fund or invested under this paragraph. 40 45
- (ii) An investment under this paragraph shall be in securities in which trustees are for the time being authorised by law to invest trust funds or in any of the stocks, funds or securities in which moneys of the Post Office Saving Bank are for the time being authorised to be invested. 50

5 (iii) (I) At such intervals as the Minister may determine,
but not being intervals of more than one year,
the Minister shall cause to be remitted from the
investment account of the Fund to the Central
Fund any surplus moneys in that account after
appropriate provision has been made in relation
to any current liabilities of the Fund and any
prospective or contingent liabilities thereof for
which, in the opinion of the Minister, provision
10 should be made out of moneys then in the Fund.

(II) Moneys remitted to the Central Fund under this
paragraph shall form part of the Central Fund.

15 (iv) Payments into and out of the Fund shall be made in
accordance with any regulations in relation thereto
under *section 35* of this Act.

(3) The accounts of the Fund shall be submitted annually to the
Comptroller and Auditor General for audit and the Minister shall
cause a copy of an abstract of the accounts as so audited together
with a copy of the report of the Comptroller and Auditor General
20 thereon to be laid before each House of the Oireachtas.

9.—(1) A licensee shall be paid by the Minister out of the Fund at
such time or times as the Minister may determine after consultation
with the licensee and, if the Company is not the licensee, the Com-
pany, such remuneration (including such amounts in respect of such
25 expenses and outgoings of the licensee or, if the Company is not the
licensee, of the Company and the licensee as the Minister may
determine as aforesaid) calculated in such manner and by reference
to such matters as the Minister may determine as aforesaid in respect
of the holding of the National Lottery pursuant to the licence of the
30 licensee.

Remuneration of
licensee.

(2) If, upon the revocation of a licence, any remuneration is due
to the licensee in respect of the period before the revocation, the
amount of the remuneration so due shall, notwithstanding the revoca-
tion, be paid to the licensee.

35 10.—(1) A licence shall authorise a company, and only a company,
to hold the National Lottery, and a company standing so authorised
for the time being is referred to in this Act as "the Company".

The Company.

40 (2) The sole objects of the Company shall be the holding of the
National Lottery pursuant to a licence under this Act and the doing
of all such other things as are incidental or conducive to the attainment
of the first-mentioned object.

11.—The memorandum of association of the Company, shall be in
such form consistent with this Act as shall be approved of by the
Minister.

Memorandum of
association of
Company.

45 12.—(1) The articles of association of the Company shall be in
such form consistent with this Act as shall be approved of by the
Minister and, if and in so far as they relate to the remuneration
(including superannuation) of the directors, officers and other staff
of the Company, the Minister for the Public Service.

Articles of
association of
Company.

(2) The articles of association of the Company shall provide that the qualification for being a director of the Company shall be the holding of at least one share of the Company.

Alteration of memorandum and articles of association of Company.

13.—Notwithstanding anything contained in the Companies Acts, 1963 to 1985, no alteration in the memorandum of association or articles of association of the Company shall be valid or effectual unless made with the previous approval of the Minister. 5

Directors of Company.

14.—(1) The number of the directors of the Company shall be seven including the Chairman.

(2) The directors of the Company shall be appointed by the Minister. 10

(3) Four of the directors of the Company appointed by the Minister pursuant to subsection (2) shall be persons nominated, with the Minister's consent, by the holder of more than one half of the total nominal value of the issued shares of the Company, if there be such a holder, and the Chairman of the Company shall be such one of the directors of the Company so nominated as may be determined, with the Minister's consent, by the majority shareholder as aforesaid. 15

(4) A director of the Company may be removed from office at any time by the Minister. 20

(5) The directors of the Company shall hold office for such term and upon such terms and conditions (including terms and conditions relating to remuneration and superannuation, if any) as the Minister, with the consent of the Minister for the Public Service, may determine when appointing them. 25

Provisions in relation to terms and conditions of employment of staff of Company.

15.—(1) The determination by the Company of the remuneration (including superannuation and any allowances for expenses) and other terms and conditions of service of the staff of the Company shall be subject to the approval of the Minister given with the consent of the Minister for the Public Service. 30

(2) In determining the remuneration or allowances for expenses to be paid to its staff or the other terms or conditions subject to which its staff hold or are to hold their employment, the Company shall have regard either to Government or nationally agreed guidelines which are for the time being extant, or to Government policy concerning remuneration and conditions of employment which is so extant and, in addition to the foregoing, the Company shall comply with any directives with regard to such remuneration, allowances, terms or conditions which the Minister may give from time to time to the Company with the consent of the Minister for the Public Service. 40

Membership of either House of Oireachtas or of Assembly of European Communities by directors or staff of Company.

16.—(1) Where a director of the Company is—

- (a) nominated as a member of Seanad Éireann, or
- (b) elected as a member of either House of the Oireachtas or of the Assembly of the European Communities, or
- (c) regarded pursuant to section 15 (inserted by the European Assembly Elections Act, 1984) of the European Assembly Elections Act, 1977, as having been elected to such Assembly to fill a vacancy, 45

he shall thereupon cease to be a director of the Company.

(2) Where a person who is a member of the staff of the Company is—

- (a) nominated as a member of Seanad Éireann, or
- 5 (b) elected as a member of either House of the Oireachtas or of the Assembly of the European Communities, or
- (c) regarded pursuant to section 15 (inserted by the European Assembly Elections Act, 1984) of the European Assembly Elections Act, 1977, as having been elected to such Assembly to fill a vacancy,

10 he shall thereupon stand seconded from employment by the Company and shall not be paid by, or be entitled to receive from, the Company any remuneration or allowances—

15 (i) in case he is nominated as a member of Seanad Éireann or is so regarded as having been elected to such Assembly in respect of the period commencing on such nomination or having been so regarded, as the case may be, and ending when he ceases to be a member of Seanad Éireann or such Assembly,

20 (ii) in case he is elected as a member of either such House or of such Assembly in respect of the period commencing on such election and ending when he ceases to be a member of that House or that Assembly, as the case may be.

25 (3) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or is a member of the Assembly shall, while he is so entitled or is such a member, be disqualified from becoming a member of the staff of the Company.

30 (4) Without prejudice to the generality of *subsection (2)*, that subsection shall be construed as prohibiting, *inter alia*, the reckoning of a period mentioned in *paragraph (i) or (ii)* of that subsection as service with the Company for the purposes of any pensions, gratuities, or other allowances payable on retirement or death.

35 17.—The Company may from time to time borrow money, including money in a currency other than the currency of the State, but shall not do so without the consent of the Minister. Borrowing by Company.

40 18.—(1) Where the Company acquires an interest in any property, whether real or personal, and the consideration for the acquisition consists, directly or indirectly, wholly or partly of any of the proceeds of the National Lottery, unless the Minister declares in writing that this section shall not apply to that property, then, to the extent that the consideration consists of the proceeds aforesaid— Provision in relation to certain property of Company.

(a) the Company shall hold the interest in trust for the State, and

45 (b) if the Minister so requests or if the licence under which the Company held the National Lottery expires or is revoked, the Company or, in the case of such expiration or revocation, the company that was the Company shall, within two months of the request, expiration or revocation, as the

case may be, transfer the interest to the Minister or to such other State authority (within the meaning of the State Property Act, 1954) as the Minister may specify.

(2) If the Company or, as the case may be, the company that was the Company fails or refuses to comply with *subsection (1)* of this section, an amount equal to the value of the interest concerned shall become and be a debt due to the Minister from the Company or the company, as the case may be, and may be recovered by the Minister from the Company or the company, as the case may be, as a simple contract debt in any court of competent jurisdiction.

Accounts of
Company and audit.

19.—(1) The Company shall keep in such form as may be approved by the Minister all proper and usual accounts of all moneys received or expended by it, including a profit and loss account and a balance sheet and, in particular, shall keep all such special accounts as the Minister may from time to time direct.

(2) Accounts kept in pursuance of this section shall be submitted annually by the Company to an auditor for audit and a copy of the profit and loss account and of the balance sheet and of such other (if any) of its accounts as the Minister may direct and a copy of the auditor's report on the accounts shall be presented to the Minister, not later than 6 months after the end of the financial year of the Company to which they relate, and the Minister shall cause copies of each of the documents aforesaid and of the directors' report to the shareholders of the Company for the financial year concerned of the Company to be laid before each House of the Oireachtas.

Furnishing by
Company of annual
report and
information to
Minister.

20.—(1) As soon as may be after the end of each financial year of the Company, but not later than twelve months thereafter, the Company shall make a report to the Minister of its activities during that year and the Minister shall cause copies of the report to be laid before each House of the Oireachtas.

(2) After such period as the Minister may determine, each report under *subsection (1)* of this section shall include information, in such form as the Minister may direct, regarding the cost-effectiveness of the operations of the Company.

(3) The Company shall, if so required by the Minister, furnish to him such information as he may request from time to time in respect of any account prepared by it or any report specified in *section 19 (2)* of this Act or in relation to its policy and operations other than day to day activities.

Acquisition of
shares of Company
by Minister.

21.—(1) The Minister may from time to time take up by subscription or purchase from the holder shares of the Company, but the Minister shall not so exercise the powers conferred on him by this subsection that the total nominal value of the shares of the Company held by him at any time exceeds 20 per cent. of the total nominal value of the issued shares of the Company.

(2) All moneys from time to time required by the Minister to meet payments required to be made by him in respect of any shares of the Company taken up or otherwise acquired by him shall be advanced out of the Central Fund or the growing produce thereof.

- 22.—(1) The Minister may hold for so long as he thinks fit any shares of the Company for the time being vested in him and may, as and when he thinks fit, sell or otherwise dispose of all or any of such shares. Holding and sale by Minister of shares of Company.
- 5 (2) The net proceeds of a sale by the Minister of shares of the Company shall be paid into or disposed of for the benefit of the Exchequer.
- 10 23.—The Minister may, in respect of the shares of the Company for the time being held by him, exercise all or any of the rights and powers from time to time exercisable by the holder of such shares, and where such rights or powers are exercisable by attorney, the Minister may, if he so thinks proper, exercise such rights or powers by his attorney. Powers of Minister as shareholder in Company.
- 15 24.—Any shares in the Company held by or in trust for the licensee or any other person (other than the Minister) or in trust for the Minister shall not be disposed of without the consent of the Minister. Restriction on disposal of certain shares in Company.
- 20 25.—An issue of shares of the Company shall not be made unless the Minister has authorised the issue. Restriction on issue of shares of Company.
- 20 26.—All dividends and other moneys received by the Minister in respect of shares of the Company shall be paid into or disposed of for the benefit of the Exchequer. Payment of dividends, etc., into Exchequer.
- 25 27.—(1) Every director of the Company (other than such directors of the Company as may be determined by the Minister and by the Company or, if the Company is not the licensee, the licensee) shall hold his shares in the Company upon trust for the Minister and shall accordingly be bound to transfer, as and when required by the Minister, such shares to the Minister or a person nominated in that behalf by the Minister. Obligation to hold certain shares of Company in trust for Minister.
- 30 (2) The Minister may, from time to time as occasion requires, for the purpose of providing a person appointed or intended to be appointed to be a director of the Company with the necessary qualifications, do either or both of the following things, that is to say—
- 35 (a) transfer to any person one or more of the shares in the Company for the time being held by the Minister;
- 35 (b) require any director of the Company (other than such directors of the Company as may be determined by the Minister and by the Company or, if the Company is not the licensee, the licensee) to transfer one or more of the shares in the Company held by him to the Minister or any other person.
- 40 28.—(1) Upon the retirement or death of a director of the Company (other than any of such directors of the Company as may be determined by the Minister and by the Company or, if the Company is not the licensee, the licensee) or upon the office of a director of the Company (other than a director of the Company determined as aforesaid) becoming vacated in accordance with the articles of association of the Company, any shares held by such director shall, without the necessity for a transfer, vest in the Minister. Vesting in Minister upon death, etc., of certain directors and members of Company of shares held by them.
- 45

(2) Upon the death of a member of the Company (other than a director of the Company determined as aforesaid) any shares held by the member shall, without the necessity for a transfer, vest in the Minister.

Schemes for lottery games in National Lottery.

- 29.—(1) (a) The Company shall, in relation to each lottery game comprised in the National Lottery, prepare and submit to the Minister a scheme setting out the rules of the game. 5
- (b) The Company may at any time prepare and submit to the Minister a scheme amending a scheme under this subsection, including a scheme under this paragraph. 10
- (c) The Minister may approve of a scheme submitted to him under this section.
- (d) A lottery game comprised in the National Lottery shall be held by the Company in accordance with the rules contained in a scheme under this subsection approved of by the Minister in force in relation to that game. 15

(2) Rules of a lottery game may, without prejudice to the generality of subsection (1) of this section, make provision with respect to the following matters: 20

- (a) the giving of prizes in the National Lottery in cases in which the holders of the winning tickets are persons under the age of eighteen years; 25
- (b) the giving of prizes in the National Lottery in cases in which the holders of the winning tickets are persons under any other legal disability or of unsound mind;
- (c) the receipts which are to be a good discharge for prizes given to persons in the National Lottery; 30
- (d) the settlement of disputes. 1

Directions to Company by Minister.

30.—Whenever the Minister considers it necessary or expedient to do so in the public interest, he may give a direction in writing to the Company on any matter relating to the National Lottery and the Company shall comply with the direction. 35

Special powers of Minister in relation to Company.

31.—(1) If the Minister revokes the licence of the Company, he may by notice in writing given to any person who holds shares in the Company, require the person to assign the shares to the Minister or another specified person before a specified date in consideration of the payment of such sum (if any) by the Minister or other specified person as may be agreed upon by the first-mentioned person and the Minister or, in default of agreement, determined by arbitration pursuant to the Arbitration Act, 1954. 40

(2) The Minister may, at any time, if he so thinks fit, appoint a person (in this Act referred to as "a manager") to take over the management of the Company and to carry on the Company as a going concern. 45

- 5 (3) (a) A manager shall have in relation to the Company all such powers as may be necessary or expedient for or incidental to his functions in relation to the Company, including the sole authority over and direction of all officers and employees of the Company.
- (b) The functions of a manager may be performed by him with the assistance of persons appointed or employed by him for that purpose.
- 10 (c) All functions which are vested in the directors or in any committee of management of the Company (whether by virtue of the memorandum or articles of association of the Company or by law or otherwise) shall be performable only by the manager and all such powers of the Company as are exercisable by or with the sanction of a general meeting of the members of the Company shall be exercisable only by the manager.
- 15 (d) A manager shall hold office upon such terms and conditions (including terms and conditions relating to remuneration) and for such term as may be determined by the Minister from time to time and his appointment may be terminated by the Minister at any time.
- 20 (e) A manager shall have all the powers that he would have, and there shall apply in relation to him all the statutory provisions that would so apply, if he were a liquidator appointed by the High Court in respect of the Company and those powers shall be exercisable by him without the control or sanction of the High Court specified in the Companies Acts, 1963 to 1985, in relation to such a liquidator.
- 25 (f) (i) The provisions of the Companies Acts, 1963 to 1985, and any instruments made thereunder and, in particular, the provisions of those Acts and instruments relating to the liquidation of companies shall apply and have effect in relation to the powers aforesaid with any modifications specified in an order under *subparagraph (ii)* of this paragraph and any other necessary modifications.
- 30 (ii) (I) Without prejudice to the generality of *subparagraph (i)* of this paragraph, the Minister may, for the purpose of giving full effect to the application by that subparagraph of the Companies Acts, 1963 to 1985, and any instruments thereunder, by order modify the provisions of the said Acts or any instruments made thereunder or any rules of court relating thereto in their application under and for the purposes of this section if he considers it necessary or appropriate to do so to facilitate the performance of the functions of a manager.
- 35 (II) The Minister may by order revoke or amend an order under this subparagraph including this clause.
- 40 (4) If a person fails or neglects to comply with a requirement of the Minister in a notice under *subsection (1)* of this section in relation to the shares of the Company, then the shares shall, upon the date
- 45
- 50
- 55

specified in the notice under that subsection and without the necessity for a transfer, become and be vested in the Minister or the other person specified in the notice, as may be appropriate, and the sum (if any) agreed to or determined under that subsection shall be paid by the Minister or that other person, as may be appropriate, to the first-mentioned person not later than one month after the date of such agreement or determination. 5

Provisions relating to names "National Lottery" and "Irish National Lottery".

32.—(1) A person, other than the Minister, the Company or a licensee or a person authorised to do so by any of them, shall not, for the purposes of a lottery game other than the National Lottery, make use of the names "Irish National Lottery" or "National Lottery" or of their equivalents in the Irish language or of any name so closely resembling either of those names or either of their equivalents in the Irish language as to be reasonably capable of leading to the belief that either of those names or either of those equivalents is being referred to. 10 15

(2) The goodwill attaching to the names "Irish National Lottery" and "National Lottery" and their equivalents in the Irish language and to the name of any lottery game held by the Minister or under a licence shall vest in the Minister. 20

(3) A person who contravenes *subsection (1)* of this section shall be guilty of an offence and shall be liable—

(a) on summary conviction, to a fine not exceeding £1,000 or

(b) on conviction on indictment, to a fine not exceeding £20,000.

Exemption of National Lottery from Gaming and Lotteries Acts, 1956 to 1979.

33.—The Gaming and Lotteries Acts, 1956 to 1979, shall not apply to the National Lottery. 25

Restriction of section 22, and power of Minister for Justice to amend sections 27 and 28 of Gaming and Lotteries Act, 1956.

34.—(1) Section 22 of the Gaming and Lotteries Act, 1956, shall not apply to a lottery held pursuant to section 27 or 28 of that Act.

(2) The Minister for Justice may by regulations amend sections 27 and 28 of the Gaming and Lotteries Act, 1956, by altering the amounts specified in subsections (2) (b) and (4) of the said section 27 and subsection (2) (c) of the said section 28. 30

(3) Whenever regulations under this section are in force, the said section 27 or 28 or both of those sections, as may be appropriate, shall have effect in accordance with the regulations. 35

Regulations.

35.—(1) The Minister may make regulations for the purpose of enabling this Act to have full effect and any such regulations may, in particular, but without prejudice to the generality of the foregoing, make provision with respect to the holding of the National Lottery by the Minister. 40

(2) If in any respect any difficulty arises in bringing this Act into operation, the Minister may by regulations do anything which appears to him to be necessary or expedient for bringing this Act into operation and any such regulations may modify the provisions of this Act so far as may appear to the Minister to be necessary or expedient for carrying the regulations into effect. 45

(3) No regulation may be made under *subsection (2)* of this section after the expiration of two years after the passing of this Act.

5 (4) Every regulation made by the Minister under this section or by the Minister for Justice under *section 34* of this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to anything previously done thereunder.

10 36.—The expenses of the Minister in the execution of this Act shall be paid out of moneys provided by the Oireachtas. Expenses.

37.—(1) This Act may be cited as the National Lottery Act, 1986. Short title and collective citation.

15 (2) The Gaming and Lotteries Acts, 1956 to 1979, and *section 34* of this Act may be cited together as the Gaming and Lotteries Acts, 1956 to 1986.

AN BILLE UM CHRANNCHUR
NÁISIÚNTA, 1986

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú chun crannchur náisiúnta a dhéanamh ag an Aire Airgeadais nó thar a cheann, do leasú na nAchtanna um Chearrbhachas agus Crannchuir, 1956 go 1979, agus do dhéanamh socrú maidir le nithe a bhaineann leis na nithe réamhráite.

*An tAire Airgeadais a thíolaic,
13 Meitheamh, 1986*

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NATIONAL LOTTERY BILL, 1986

BILL

(as initiated)

entitled

An Act to provide for the holding by or on behalf of the Minister for Finance of a national lottery, to amend the Gaming and Lotteries Acts, 1956 to 1979, and to provide for matters connected with the matters aforesaid.

*Presented by the Minister for Finance,
13th June, 1986*

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