Draft Order laid before Parliament under section 11 of the Public Bodies Act 2011, for approval by resolution of each House of Parliament after the expiry of the 40-day period referred to in section 11(4) of that Act.

DRAFT STATUTORY INSTRUMENTS

2013 No.

PUBLIC BODIES

The Public Bodies (Merger of the Gambling Commission and the National Lottery Commission) Order 2013

Made - - - - 2013

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the powers conferred by sections 2(1), 6(1), (2) and (5), 23(1)(a), 24(1) and 35(2) of the Public Bodies Act 2011(**a**) ("the Act").

In accordance with section 8 of the Act, the Secretary of State—

(a) having had regard to the factors set out in section 8(1) of the Act, considers that this Order serves the purpose of improving the exercise of public functions; and

(b) considers that this Order does not remove any necessary protection or prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise.

The Secretary of State has consulted in accordance with section 10 of the Act.

The Treasury has consented to the making of this Order, to the extent that its consent is required by section 6(4) of the Act.

The Secretary of State has consulted the Welsh Ministers in accordance with section 63(1) of the Government of Wales Act 2006(**b**).

A draft of this Order and an explanatory document containing the information required by section 11(2) of the Act have been laid before Parliament in accordance with section 11(1) after the end of the period of twelve weeks mentioned in section 11(3). In accordance with section 11(4) of the Act, the draft of this Order has been approved by a resolution of each House of Parliament after the expiry of the 40-day period referred to in that provision.

(**a**) 2011 c. 24.
(**b**) 2006 c. 32.

Citation and commencement

1.—(1) This Order may be cited as the Public Bodies (Merger of the Gambling Commission and the National Lottery Commission) Order 2013.

(2) Subject to paragraph (3), this Order comes into force on the day after the day on which it is made.

(3) Article 9 (repeal in relation to the Public Bodies Act 2011) comes into force on the day after that on which the other provisions of this Order come into force.

Interpretation

2.—(1) In this Order—

(a) "the 1993 Act" means the National Lottery etc. Act 1993(**a**);

(b) "the 2011 Act" means the Public Bodies Act 2011(**b**); and

(c) "the merger date" means the day on which this Order (other than article 9) comes into force.

(2) Articles 5 and 8 (in so far as it applies to property, rights and liabilities transferred under article 5) constitute a transfer scheme under section 23(1) of the 2011 Act.

Abolition of the National Lottery Commission

3. The National Lottery Commission(**c**) is abolished.

Transfer of statutory functions

4.—(1) The functions of the National Lottery Commission are transferred to the Gambling Commission(**d**).

(2) The Schedule, which makes consequential, supplementary and incidental provision in relation to the transfers described in paragraph (1), has effect.

Transfer of property

5.—(1) All the property, rights and liabilities to which the National Lottery Commission is entitled or subject immediately before the merger date become on that date the property, rights and liabilities of the Gambling Commission.

(2) Paragraph (1) has effect in relation to property, rights and liabilities—

(a) whether or not they would otherwise be capable of being transferred;

(b) without any instrument or other formality being required; and

(c) despite any provision (of whatever nature) which would otherwise prevent, penalise or restrict the transfer of the property, rights or liabilities.

(**a**) 1993 c. 39.
(**b**) 2011 c. 24.
(**c**) The National Lottery Commission was established by section 3A(1) of the 1993 Act; section 3A was added by section 1(3) of the National Lottery Act 1998 (c.22).
(**d**) The Gambling Commission was established by section 20(1) of the Gambling Act 2005 (c. 19).

Annual report

6.—(1) If, on the merger date, the National Lottery Commission has not made a report on the exercise of its functions during the financial year ending on 31st March 2013 under section 14(1) of the 1993 Act (annual report)(**a**), as soon as possible on or after the merger date, the Gambling Commission must make such a report to the Secretary of State and the Scottish Ministers.

(2) The Gambling Commission must make a report to the Secretary of State and the Scottish Ministers on the exercise by the National Lottery Commission of its functions during the financial year beginning on 1st April 2013 and ending immediately before the merger date.

(3) The Gambling Commission must make the report described in paragraph (2) on the same day that it makes a report under section 14(1) of the 1993 Act on its exercise of the relevant functions during the financial year ending on 31st March 2014.

(4) The Secretary of State must lay a copy of any report made under paragraph (1) or (2) before Parliament.

(5) The Scottish Ministers must lay a copy of any report made under paragraph (1) or (2) before the Scottish Parliament.

Annual accounts

7.—(1) The Gambling Commission must prepare a statement of accounts of the National Lottery Commission in respect of any financial year (or part of any financial year) for which no statement of accounts was prepared and sent under paragraph 11(3) of Schedule 2A to the 1993 Act(**b**) to the Secretary of State and the Comptroller and Auditor General prior to the merger date.

(2) A statement of accounts prepared by the Gambling Commission under paragraph (1) must comply with any directions that may be given by the Secretary of State as to the information to be contained in such a statement, the manner in which such information is to be presented or the methods and principles according to which such a statement is to be prepared.

(3) Copies of a statement of accounts must be sent to the Secretary of State and the Comptroller and Auditor General within such period after the merger date as the Secretary of State may direct.

(4) The Comptroller and Auditor General must examine, certify and report on a statement of accounts, and must lay copies of each such statement and report before Parliament.

(5) The Secretary of State must not give a direction under paragraph (2) or (3) without the approval of the Treasury.

Supplementary provisions

8.—(1) Nothing in this Order affects the validity of anything done by or in relation to the National Lottery Commission before the merger date.

(2) Anything (including any legal proceedings) which immediately before the merger date is in the process of being done by or in relation to the National Lottery Commission may be continued on and after the merger date by or in relation to the Gambling Commission.

(3) Anything done by or in relation to the National Lottery Commission which has effect immediately before the merger date has effect, so far as is necessary for continuing its effect on or after the merger date, as if done by or in relation to the Gambling Commission.

(**a**) As well as establishing the National Lottery Commission, the National Lottery Act 1998 abolished the office of the Director General of the National Lottery. Paragraph 4 of Schedule 1 to that Act provided that, so far as necessary to effect the transfer from the Director General to the Commission of the functions described in section 1 of that Act and of the property, rights, liabilities and staff described in paragraphs 2 and 3 of Schedule 1 to that Act, prior legislation would have effect as if references to the Director General were references to the Commission. The references to the Director General in section 14(1) of the 1993 Act have effect as if they referred to the Commission.

(**b**) Schedule 2A to the 1993 Act was inserted by paragraph 7 of Schedule 1 to the National Lottery Act 1998.

(4) So far as necessary or appropriate for the purposes of or in consequence of article 4 or 5, on and after the merger date a reference to (and a reference which is to be read as a reference to) the National Lottery Commission in an enactment, instrument or other document is to be treated as, or as including, a reference to the Gambling Commission.

Repeal in relation to the Public Bodies Act 2011

9. In Schedule 2 to the 2011 Act, the entry for Group 2, including the associated references to the Gambling Commission and the National Lottery Commission, is omitted.

Hugh Robertson
Minister of State
Date Department for Culture, Media and Sport

We consent.

Name and Name
Date Two of the Lords Commissioners of Her Majesty's Treasury

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)(**a**)—

(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)(**b**) is repealed.

4. In section 4B (disclosure of information)(**c**)—

(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.".

(**a**) Section 3A was inserted by section 1(3) of the National Lottery Act 1998 (c.22).
(**b**) Section 4A was inserted by paragraph 2 of Schedule 3 to the Gambling Act 2005 (c.19).
(**c**) Section 4B was inserted by section 2 of the National Lottery Act 2006 (c.23).

5. In subsection (1)(a) and (b) of section 4C (wrongful disclosure)(**a**), for "National Lottery" substitute "Gambling".

6. In section 10C (annual levy)(**b**)—

(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)(**c**)—

(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—

(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"(**d**), for "National Lottery" substitute "Gambling".

9. In section 31 (payments from Distribution Fund in respect of expenses)(**e**)—

(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)(**f**)—

(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(**g**) is amended as follows.

(**a**) Section 4C was inserted by section 2 of the National Lottery Act 2006.
(**b**) Section 10C was inserted by paragraph 1 of Schedule 3 to the Gambling Act 2005.
(**c**) 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).
(**d**) The definition of "the Commission" in section 20 was inserted by paragraph 14(a) of Schedule 1 to the National Lottery Act 1998.
(**e**) Section 31(2)(aa) was inserted by paragraph 15(2)(b) of Schedule 1 to the National Lottery Act 1998.
(**f**) Schedule 2A was inserted by paragraph 7 of Schedule 1 to the National Lottery Act 1998.
(**g**) 2005 c.19.

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

(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(**a**), 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(**b**), 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(**c**), 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(**d**), 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(**e**)—

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

"The Gambling Commission."; and

(**a**) 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.

(**b**) 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).

(**c**) 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.

(**d**) 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.

(**e**) 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.

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

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

(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(**b**)—

(a) omit the entry relating to the National Lottery Commission(**c**); 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(**d**), 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(**e**), omit paragraphs 8 to 11.

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

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

(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)—

(**a**) 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.

(**b**) 1989 c. 40.

(**c**) 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.

(**d**) 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.

(**e**) 1998 c. 22.

(**f**) 2000 c. 36.

(**g**) 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).

(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".

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

29. In the Companies Act 2006(**b**)—

(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(h) of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(**c**), for "National Lottery Commission" substitute "Gambling Commission".

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

(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(**e**), omit article 3.

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

(**a**) 2006 c. 23.

(**b**) 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).

(**c**) S.I. 1975/1023; relevant amending instruments are S.I. 2002/441 and 2003/231.

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

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

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

(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(**a**)—

(a) in regulation 12A, for "National Lottery" substitute "Gambling";

(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(**b**), 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(**c**)—

(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(**d**), omit article 2.

38. In article 2 (list of tribunals) of the Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007(**e**), for the entry relating to the National Lottery Commission—

(a) in the first column—

(**a**) S.I. 2001/2188; relevant amending instruments are S.I. 2001/3624, 2006/3413, 2012/725 and 2012/916.
(**b**) S.I. 2002/1889, amended by S.I. 2012/725.
(**c**) S.I. 2006/655, amended by S.I. 2007/2129 and 2010/1551.
(**d**) S.I. 2006/1644.
(**e**) S.I. 2007/2951, to which there are amendments not relevant to this Order.

(i) for "National Lottery Commission" substitute "Gambling Commission";

(ii) for "Schedule 2A to that Act" substitute "Schedule 4 to the Gambling Act 2005"; and

(iii) after "except for its functions", insert "under the 1993 Act"; and

(b) for the second column substitute "Section 20 of the Gambling Act 2005 (c.19)".

39. In the table in Part 1 of the Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007(**a**), 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".

40.—(1) In the Schedule to the English language text of the Welsh Language Schemes (Public Bodies) Order 2008(**b**), 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*".

41. In the definition of "the Commission" in regulation 2 of the National Lottery (Annual Licence Fees) Regulations 2010(**c**), for "National Lottery" substitute "Gambling".

42. In the Schedule to the Official Statistics Order 2010(**d**), omit the entry relating to the National Lottery Commission.

43. In the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013(**e**)—

(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".

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

(**a**) S.I. 2007/3544, to which there are amendments not relevant to this Order.
(**b**) S.I. 2008/1890.
(**c**) S.I. 2010/17.
(**d**) S.I. 2010/2893, to which there are amendments not relevant to this Order.
(**e**) S.S.I. 2013/50.

EXPLANATORY NOTE

(This note is not part of the Order)

The Public Bodies Act 2011 (c. 24) makes provision for the merger, and associated transfer of functions, by order of any group of bodies specified in Schedule 2 to that Act. One such group in Schedule 2 consists of the Gambling Commission and the National Lottery Commission.

The Gambling Commission was established by section 20 of the Gambling Act 2005 (c. 19), while the National Lottery Commission was established by section 3A(1) of the National Lottery etc. Act 1993 (c. 39) as amended by the National Lottery Act 1998 (c. 22).

Article 3 of this Order abolishes the National Lottery Commission.

Article 4 transfers the National Lottery Commission's functions to the Gambling Commission and makes consequential, supplementary and incidental amendments as set out in the Schedule.

Article 5 transfers the property, rights and liabilities of the National Lottery Commission to the Gambling Commission.

Articles 6 and 7 impose duties on the Gambling Commission in respect of reporting and accounting obligations in relation to the National Lottery Commission which have not been discharged in respect of any financial year at the time of its abolition.

Article 8 makes provision for various supplementary matters including the continuing validity and effect of anything done by or in relation to the National Lottery Commission after its abolition and the transfer of its functions, property, rights and liabilities to the Gambling Commission.

A full impact assessment as to the effect that this Order will have on the costs of business, the voluntary sector and the public sector is available on the Government website at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/73013/IA_GC-NLC-merger-july2012.pdf. This impact assessment is also published with the Explanatory Document alongside the instrument on www.legislation.gov.uk.

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DRAFT STATUTORY INSTRUMENTS

2013 No.

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The Public Bodies (Merger of the Gambling Commission and the National Lottery Commission) Order 2013

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