

GAMBLING COMMISSION

The Fourth National Lottery Licence Competition (4NLC) Fit and Proper Checks

Pursuant to the National Lottery etc. Act 1993 (“the Act”), the Gambling Commission has overriding statutory duties to ensure that the National Lottery is run with all due propriety, and that the interests of all participants are protected as well as a duty to be satisfied that the operator of the National Lottery is a fit and proper person to run it.

Part of the assessment of this is to confirm that certain categories of person who benefit from, or are involved in the management or activities of, the Lottery are fit and proper.

The information in this **Corporate Declaration form** will be used during the Fourth National Lottery Licence Competition to enable the Commission to conduct corporate Fit and Proper Checks on the Proposed Licensee and Persons Needing to Be Checked. Where any new persons are identified during the Implementation Period who would have been required to complete this Declaration during the Competition, such persons will also be required to complete and submit this Corporate Declaration Form for the purposes of undergoing Fit and Proper Checks.

It is the responsibility of the Applicant to identify the Persons Needing to Be Checked in line with the definitions set out in the Information for Applicants note and ensure that a Corporate Declaration Form is submitted for each of these persons. If at any time during the Competition, Implementation Period or Term of the Licence there are any material changes to the information provided in response to the SQ, the Applicant must advise the Commission as soon as it becomes aware of the change.

This form includes the following sections that must be completed in full for each of the corporate Persons Needing to Be Checked:

- A. Corporate declaration
- B. Response
- C. Treatment of information
- D. Declaration
- E. Form of authority and waiver.

A photocopy or electronic version of these forms, where submitted to the Gambling Commission, will be considered as valid as the original.

A. CORPORATE DECLARATION

This Corporate Declaration should be filled out at Company level by the persons identified in the table below. When completing this form please indicate:

- The Proposed Licensee's name;
- Company name; and
- Relationship to the Proposed Licensee.

PROPOSED LICENSEE NAME

Proposed Licensee name	
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NAME OF COMPANY

Name of company	
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COMPANY'S RELATIONSHIP TO THE PROPOSED LICENSEE

Relationship to the Application	Tick as appropriate
The Proposed Licensee	
Qualifying Direct Shareholder of the Proposed Licensee	
Connected Party of a Qualifying Direct Shareholder of the Proposed Licensee	
Key Subcontractor	
Connected Party of a Key Subcontractor	

Notes for Corporate Declaration section:

- i. Information for Applicants on Fit and Proper Checks is available to be read alongside this form. Please see Appendix 1 of that document for an explanation of the terms used in this form.
- ii. The Applicant is responsible for submitting organisational charts setting out the Persons Needing to Be Checked to the Commission alongside this Declaration Form.
- iii. Please ensure that any individuals who are Persons Needing to be Checked relevant to your Application, who would meet the Licence definitions of Lottery Beneficiaries, Lottery Supervisors, Critical Function Employees, and Transition Staff (and thus captured in the organisational charts), have also signed and returned the relevant individual declarations.
- iv. Information provided in the Corporate Declaration should be consistent with the information submitted with the Applicant's response to the Selection Questionnaire. If at any time during the Competition there are any material changes to the information provided in response to the SQ, the Applicant must advise the Commission as soon as it becomes aware of the change. Please refer to Section 3.2 of the SQ for details.
- v. Any reference to a legal requirement, documents or processes in this Corporate Declaration form includes a reference to analogous legal requirements, processes or documents under the law of another country, where applicable.
- vi. Where a positive response is given to any section full details must be given.

B. RESPONSE

Please answer the following questions and where required state YES or NO, or mark N/A if not applicable.

1.	Name of Company (as in section A.)	
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2.	Any other name under which the Company trades or has traded in the past 5 years	
3.	Registration number	
4.	Date of registration	
5.	Place of registration	
6.	Address of principal office	
7.	Address of registered office	
8.	VAT registration number	
9.	Please attach copies of Memorandum and Articles of Association or other appropriate constitutional documents.	
10.	Please provide evidence of your source of funding, for example, bank statements, loans and finance agreements. Note this is not required for the Proposed Licensee at this stage.	

11.	Please provide a copy of the audited accounts or equivalent financial statements of the Company for the last two financial years for which they are available and any interim accounts published in respect of any subsequent period.	
12.	Please confirm whether the Company holds a licence in any other jurisdiction and whether any investigation or regulatory action has commenced. If so then this will be considered as part of the overall Declaration assessment. If so, please provide full details.	
Please confirm whether, within the past five years:		
13.	The Company has complied with all provisions of the Companies Acts, the Financial Services Act 1986 and the European Communities Act 1972 (or the equivalent of the country in which it is registered) and that all returns, particulars, resolutions and other documents required under any legislation to be delivered on behalf of the Company to the Registrar of Companies or to any other authority whatsoever have been properly made and delivered.	
14.	The Company, its officers, agents or employees (during the course of their duties in relation to the Company) have been convicted in the United Kingdom or elsewhere of any offence involving fraud or dishonesty.	
15.	The Company's accounts have been prepared in accordance with the requirements of the Companies Acts (or analogous laws under other jurisdictions) and all relevant statutes and generally accepted accounting principles	

	and that the auditors' reports for each set of accounts have been unqualified. If not, please provide details.	
16.	The Company has ever paid or become liable to pay any penalty or made any other payment to the Commissioners of HM Revenue and Customs (or its international equivalents) to avoid a prosecution being referred. If so, please provide full details.	
17.	Is the Company currently or has it ever been the subject of any investigation by the police, HM Revenue and Customs, the Department for Work and Pensions or any other Government body (either in the UK or other jurisdictions)? If so, please provide full details.	
18.	Any order has been made or petition presented or resolution passed for the winding up of the Company; any execution or other process has been levied in respect of the Company or any subsidiary; any unfulfilled or unsatisfied judgement or court order is outstanding against the Company or any subsidiary.	
19.	Any subsidiary of the Company been put into liquidation (otherwise than by a members' voluntary winding up when the Company was solvent) or had an administrator or administrative or other receiver appointed? If so in each case state the name, nature or the business, date of commencement of winding up or receivership and the amount involved together with an indication of the outcome or current position.	

I confirm that, having made due enquiry, the information supplied above is complete and correct to the best of my knowledge and belief.

Print name	
Signature	
Title	
Date	

Notes for Response section

- i. Any reference to a legal requirement, documents or processes in this Corporate Declaration form includes a reference to analogous legal requirements, processes or documents under the law of another country, where applicable (e.g. Chapter 11 proceedings of the Bankruptcy code prescribed by the United States Supreme Court).
- ii. When a positive response is given to any section full details must be given.

C. TREATMENT OF INFORMATION

The following declaration must be signed in all cases by a duly authorised representative of your company.

The Gambling Commission is a data controller under the terms of the Data Protection Act 2018. The information provided in this Declaration will be processed for the purpose necessary for the Gambling Commission to carry out its functions and meet its legal obligations. The data may be shared with third parties who fulfil a service on behalf of, and under the express instructions of, the Gambling Commission. It may also be shared with other bodies where it is necessary to do so and where we are legally required or permitted to do so. This may include sharing data, when appropriate, with relevant public authorities, overseas regulators, law enforcement agencies. Sharing data is primarily for the purpose of performing our regulatory functions such as assessing individuals' suitability to be licensed but it may also be necessary to share information for other reasons, such as the prevention and detection of crime or for the collection of tax and gaming duty.

Any information or material sent to us and which we record may be subject to the Freedom of Information Act 2000. The Gambling Commission's policy on release of information is available on our website; more information can also be found in the 'Applicant Note – Freedom of Information', published in the VDR on August 20th, see document reference 1.13.6. The Gambling Commission would not normally expect that the disclosure of commercially sensitive information would be in the public interest.

Should the information provided in relation to this Declaration cease to be correct, or if there are any changes in the information provided after the date the Declaration was submitted, it is your responsibility to advise the Gambling Commission immediately. Failure to do so could result in any licence subsequently issued being reviewed and possibly revoked.

The Gambling Commission may require confirmation or further information from third parties in respect of any evidence or documentation you have provided in support of this Declaration.

D. DECLARATION

I/We agree to grant authorisation for the Gambling Commission to request and receive information about me/us from third parties.

I understand that any misrepresentation or failure to reveal information or grant any authorisation requested may be deemed to be sufficient cause for the disqualification of the Applicant from the competition or (for the Successful Applicant) Licence revocation.

I certify to the best of my knowledge that the information given in this Declaration is complete and correct in every respect and that all material information has been included.

I agree to notify the Gambling Commission should any of the information given in this Declaration change.

I certify that all documentation provided is either original or a true copy.

Print name	
Signature	
Signed on behalf of	
Date	

Please read the below statement and tick the box to confirm your understanding and agreement:

I certify that I am a duly authorised company representative with the authority to sign this declaration and submit this Declaration	
I understand that in recording my name and position, that record has the same force and effect as a signature affixed by hand	

Please ensure that you also complete and sign the Form or Authority and Waiver overleaf.

E. FORM OF AUTHORITY AND WAIVER

To: The Gambling Commission and to whomsoever else it may concern

I/We hereby authorise the Gambling Commission, its officers or agents to undertake enquiries and request, receive and obtain any and all information, including copies of any record, documentation or opinion whether in written, electronic or any other form, that the Gambling Commission may require when considering my/our suitability either as an Applicant for the Fourth National Lottery Licence or as a Person Needing to Be Checked.

I/We hereby authorise and consent to the disclosure by or on behalf of any government or governmental, quasi-governmental, supra-national, statutory or regulatory body in any court, trade agency, professional association or any other like person or body in any jurisdiction (including, for avoidance of doubt, and without prejudice to the generality of the foregoing, any person or body described or mentioned below) to the Gambling Commission or any person duly authorised by it of any information which any such government or other body as aforesaid may have concerning me/us or my/our affairs (whether public, business or private).

The persons or bodies referred to above may include:

- Any United Kingdom government department or agency;
- The United Kingdom HM Revenue and Customs and any taxation authority of any other country;
- Any part of the armed forces or the security services of the United Kingdom or any other country;
- Any police force or authority in the United Kingdom or elsewhere;
- Any authority or body responsible for the regulation or operation of any lottery promoted in any jurisdiction;
- Creditsafe, Company Watch and Equifax reports;
- The Department for Work and Pensions;
- The Crown Prosecution Service;
- The Serious Fraud Office;
- Official receivers;
- Any local authority;
- Open source checks;

- The Insolvency Service;
- London Stock Exchange Plc
- The Bank of England;
- The Financial Conduct Authority.

I/We confirm that I/we shall have no claim against any such person who makes any such disclosure to the Gambling Commission or any person authorised by it, whether in respect of any breach of confidence or statutory or other duties whatsoever or for defamation or any analogous righting any jurisdiction, whether or not any person acted negligently or reasonably in obtaining or disclosing it or had committed any breach of any duty (statutory or otherwise) in obtaining or retaining any such information. I/we hereby irrevocably waive any such claims which I/we might otherwise have against the Gambling Commission or any other person.

The Terms of the Authority and Waiver shall be incapable of revocation by the Company at any time.

EXECUTED and DELIVERED as a DEED
By:

Print name	
Signature	
Date	

In presence of:

Witness name (print)	
Witness signature	

Witness address	
Date	