



National Lottery etc. Act 1993

1993 CHAPTER 39

PART II

DISTRIBUTION OF THE NET PROCEEDS OF THE NATIONAL LOTTERY

Distribution Fund: further provisions

31 Payments from Distribution Fund in respect of expenses.

- (1) At such times as the Secretary of State with the approval of the Treasury determines to be appropriate, payments shall be made into the Consolidated Fund out of so much of any money in the Distribution Fund as is held under section 22(2).
- (2) The payments shall be of such amounts as the Secretary of State with the approval of the Treasury determines to be appropriate for—
 - ^{F1}(a)
 - [^{F2}(aa) meeting payments made or to be made under paragraph 10 of Schedule 2A,]
 - (b) defraying expenses incurred or to be incurred by the Secretary of State in exercising his functions under this Act, and
 - (c) defraying expenses incurred or to be incurred by the National Debt Commissioners in making investments under section 32.
- ^{F3}(3)
- [^{F4}(4) In determining what amounts are appropriate for meeting the payments referred to in subsection (2)(aa), the Secretary of State shall take into account sums paid or to be paid into the Consolidated Fund under section 7(6).]

Textual Amendments

- F1** S. 31(2)(a) repealed (1.4.1999) by 1998 c. 22, ss. 1(5), 26, Sch. 1 Pt. III para. 15(2)(a), **Sch. 5 Pt. I**; S.I. 1999/650, **art. 2**.
- F2** S. 31(2)(aa) inserted (1.4.1999) by 1998 c. 22, s. 1(5), **Sch. 1 Pt. III para. 15(2)(b)**; S.I. 1999/650, **art. 2**.

Status: Point in time view as at 08/04/2005.

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F3 S. 31(3) repealed (1.4.1999) by 1998 c. 22, ss. 1(5), 26, Sch. 1 Pt. III para. 15(3), **Sch. 5 Pt. I**; S.I. 1999/650, **art. 2**.

F4 S. 31(4) added (1.4.1999) by 1998 c. 22, s. 1(5), **Sch. 1 Pt. III para. 15(4)**; S.I. 1999/650, **art. 2**.

Modifications etc. (not altering text)

C1 S. 31 extended (2.7.1998) by 1998 c. 22, **s. 8(7)**.

S. 31 extended (2.7.1998) by 1998 c. 22, s. 16(2), **Sch. 4 para. 11**.

32 Investment of Distribution Fund.

- (1) So much of any money in the Distribution Fund as is neither held under section 22(2) nor immediately required for making payments under section 24 may be paid over to the National Debt Commissioners and invested by them in accordance with such directions as may be given by the Treasury.
- (2) The proceeds of any investment made under subsection (1) or this subsection may be re-invested by the National Debt Commissioners in accordance with such directions as may be given by the Treasury.
- (3) The proceeds of any investment made under subsection (1) or (2) shall, if they are not re-invested under subsection (2), be paid into the Distribution Fund and—
 - (a) to the extent that the proceeds are attributable to the investment of sums paid under subsection (1) out of money held for distribution by a body specified in section 23, held in the Distribution Fund for distribution by that body (subject to any order under section 28 or 29);
 - (b) to the extent that the proceeds are attributable to the investment of sums paid under subsection (1) out of money held in the name of the Secretary of State by virtue of paragraph (b) of section 29(4), held in the Distribution Fund in his name as mentioned in that paragraph (or where the order under section 29(1) mentioned in that paragraph has been made, held in accordance with that order).
- (4) In this section “proceeds”, in relation to an investment, means any interest or dividends received in respect of the investment and any sums received on the realisation of the investment.
- (5) For the purposes of subsection (3), the extent to which any proceeds are attributable to the investment of sums paid under subsection (1) out of money held for distribution by a particular body or held in the name of the Secretary of State shall be determined by, or in accordance with principles determined by, the Secretary of State.

33 Accounts of the Secretary of State and National Debt Commissioners.

- (1) The Secretary of State shall prepare accounts in respect of the Distribution Fund in such form, and in such manner and at such times, as the Treasury may direct.
- (2) The National Debt Commissioners shall prepare accounts in respect of any investments under section 32 in such form, and in such manner and at such times, as the Treasury may direct.
- (3) Each account prepared under subsection (1) or (2) shall be sent to the Comptroller and Auditor General who shall examine, certify and report on it and shall lay copies of it and of his report before Parliament.

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- [^{F5}(4) For the purpose of exercising his examination function in relation to any accounts prepared under subsection (1), the Comptroller and Auditor General—
- (a) shall have a right of access at all reasonable times to any documents which he reasonably requires which are in the custody or under the control of any section 5 licensee; and
 - (b) shall have a right to require from any officer or employee of any section 5 licensee, or from the auditors of any section 5 licensee, an explanation of, or information relating to, any such documents;
- but a section 5 licensee shall not, by virtue only of this subsection, be a body to which section 6 of the ^{M1}National Audit Act 1983 applies.
- (5) For the purpose of—
- (a) exercising his examination function in relation to any accounts prepared under subsection (1), or
 - (b) deciding whether, or to what extent, to exercise any right conferred by subsection (4),
- the Comptroller and Auditor General shall have regard to any information which the Director General has obtained from any section 5 licensee and which is relevant to the exercise of that function.
- (6) Where, in exercising his examination function in relation to any accounts prepared under subsection (1), the Comptroller and Auditor General obtains any information which gives him grounds to believe that a section 5 licensee has, or may have, contravened any of the conditions of its licence under section 5, the Comptroller and Auditor General shall as soon as practicable disclose that information to the Director General.
- (7) A section 5 licensee shall be under a duty—
- (a) to permit the Comptroller and Auditor General to exercise the right conferred by subsection (4)(a); and
 - (b) to do all that may be reasonably practicable to secure that any person who under subsection (4)(b) is required to provide an explanation of, or information relating to, any document complies with that requirement;
- and any breach of that duty shall be actionable at the suit of the Comptroller and Auditor General.
- (8) The right of access to documents conferred by subsection (4)(a) includes a right to take copies of or make extracts from documents.
- (9) In this section any reference to documents includes a reference to information held by means of a computer or in any other electronic form; and in the case of information so held the right of access conferred by subsection (4)(a) includes a right of access to, and to take copies of, that information in a visible and legible form.
- (10) In this section—
- “examination function”, in relation to the Comptroller and Auditor General, means his function under subsection (3);
- “section 5 licensee” means a body which holds or has held a licence under section 5.]

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Textual Amendments

F5 S. 33(4)-(10) inserted (2.9.1998) by 1998 c. 22, **ss. 5(2)(3), 27(5)**.

Modifications etc. (not altering text)

C2 S. 33 applied (with modifications) (8.4.2005) by [Horse Race Betting and Olympic Lottery Act 2004](#) (c. 25), **ss. 34(11), 40**; S.I. 2005/1134, art. 2

Marginal Citations

M1 1983 c. 44.

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