



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 ^{F3}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] ,]
 - (b) defraying expenses incurred or to be incurred by the Secretary of State [^{F4}or the Minister for the Cabinet Office] 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.
- ^{F5}(3)
- ^{F6}[(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).]
- ^{F7}[(5) In subsection (2)(aa) “relevant functions” means functions conferred or imposed under or by virtue of—

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- (a) a provision of this Act other than section 10C,
- (b) Part 3 of the Horserace Betting and Olympic Lottery Act 2004, and
- (c) section 6(2) of the National Lottery Act 2006.]

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- F1** S. 31(2)(a) repealed (1.4.1999) by 1998 c. 22, ss. 1(5), 26, Sch. 1 Pt.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**.
- F3** Words in s. 31(2)(aa) substituted (1.10.2013) by The Public Bodies (Merger of the Gambling Commission and the National Lottery Commission) Order 2013 (S.I. 2013/2329), art. 1(2), **Sch. para. 9(a)** (with art. 8, Sch. para. 43)
- F4** Words in s. 31(2)(b) inserted (13.4.2011) by The Transfer of Functions (Big Lottery Fund) Order 2011 (S.I. 2011/739), art. 1(2), **Sch. para. 4** (with art. 3)
- F5** S. 31(3) repealed (1.4.1999) by 1998 c. 22, ss. 1(5), 26, Sch. 1 Pt.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**.
- F6** 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**.
- F7** S. 31(5) inserted (1.10.2013) by The Public Bodies (Merger of the Gambling Commission and the National Lottery Commission) Order 2013 (S.I. 2013/2329), art. 1(2), **Sch. para. 9(b)** (with art. 8, Sch. para. 43)

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 [F8 treated as if paid into the Fund by virtue of section 5(6).]
- (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.

^{F9}(5)

Textual Amendments

- F8** Words in s. 32(3) substituted for s. 32(3)(a)(b) (1.4.2007) by National Lottery Act 2006 (c. 23), **ss. 9(a), 22(1)**; S.I. 2007/539, **art. 2**

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F9 S. 32(5) repealed (1.12.2006) by National Lottery Act 2006 (c. 23), ss. 9(b), 22(1), Sch. 3; S.I. 2006/3201, art. 2(e)

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.
- ^{F10}(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.

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- (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.]

Textual Amendments

F10 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

C3 S. 33 functions made partly exercisable concurrently (22.8.2007) by [The Transfer of Functions \(Olympics and Paralympics\) Order 2007](#) (S.I. 2007/2129), arts. 1(2), 3(1)(2)(a)(iii) (with art. 4)

Marginal Citations

M1 1983 c. 44.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5-6A substituted for s. 5 6 by [2006 c. 23 Sch. 1 para. 4](#) (Section 6 provides for Schedule 1 to be commenced by an order under that section rather than under the normal commencement provision (section 22). In particular, it requires the order to be subject to negative resolution procedures. Schedule 1 is to be commenced in this different way to reflect the intention that the Secretary of State will not commence Schedule 1 immediately but only if she considers that the current licensing structure has failed in creating an effective competition for the licence under section 5 of the 1993 Act to run the National Lottery and so risks failing to maximise returns to good causes.)
- s. 7(3A) inserted by [2006 c. 23 Sch. 1 para. 5\(5\)](#) (Section 6 provides for Schedule 1 to be commenced by an order under that section rather than under the normal commencement provision (section 22). In particular, it requires the order to be subject to negative resolution procedures. Schedule 1 is to be commenced in this different way to reflect the intention that the Secretary of State will not commence Schedule 1 immediately but only if she considers that the current licensing structure has failed in creating an effective competition for the licence under section 5 of the 1993 Act to run the National Lottery and so risks failing to maximise returns to good causes.)