



National Lottery etc. Act 1993

1993 CHAPTER 39

PART II

DISTRIBUTION OF THE NET PROCEEDS OF THE NATIONAL LOTTERY

^{F1}The Big Lottery Fund

Textual Amendments

- F1** S. 39A and cross-heading inserted (1.8.2006) by [National Lottery Act 2006 \(c. 23\)](#), ss. 14(1), 22(1); S.I. 2006/2177, art. 2

36A The Fund

- (1) There shall be a body corporate known as the Big Lottery Fund.
- (2) Schedule 4A (which makes provision in relation to the Fund) shall have effect.]

[^{F2}36B Power to distribute funds

- (1) The Big Lottery Fund may make grants or loans, or make or enter into other arrangements, for the purpose of complying with section 25(1).
- (2) A grant or loan may be subject to conditions (which may, in particular, include conditions as to repayment with interest).
- (3) The [^{F3}Secretary of State] may by order make provision limiting the amounts distributed under subsection (1).
- (4) An order under subsection (3) may in particular—
 - (a) specify a maximum amount that may be distributed during a specified period for expenditure of a description prescribed under section 22(3A);

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- (b) specify a minimum amount that must be distributed during a specified period for expenditure of a description prescribed under section 22(3A);
 - (c) make provision by reference to the aggregate of amounts distributed, to a percentage of amounts available for distribution or otherwise;
 - (d) make provision (which may, in particular, confer a power on the Fund) for the treatment of expenditure which satisfies more than one prescribed description.
- (5) Before making an order under subsection (3) the [^{F4}Secretary of State] shall consult—
- (a) the Fund,
 - (b) the National Assembly for Wales,
 - (c) the Scottish Ministers,
 - (d) the Northern Ireland Department of Culture, Arts and Leisure, and
 - (e) such other persons (if any) as he thinks appropriate.

Textual Amendments

- F2** Ss. 36B-36E inserted (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 15(2)**, 22(1); S.I. 2006/3201, art. 2(c)
- F3** Words in s. 36B(3) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 9(5)** (with art. 12)
- F4** Words in s. 36B(5) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 9(5)** (with art. 12)

Modifications etc. (not altering text)

- C1** S. 36B functions transferred (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), arts. 1(2), **10(2)(c)** (with arts. 10(3), 11, 12)

36C Non-lottery funds

- (1) The Fund may enter into an arrangement with a person under which—
 - (a) the person pays money to the Fund, and
 - (b) the Fund distributes the money to a third party.
- (2) An arrangement under subsection (1) may, in particular—
 - (a) identify the third party, or
 - (b) otherwise limit the Fund's freedom of action in relation to the distribution of the money paid under the arrangement.
- (3) The Fund shall distribute money received under subsection (1) for meeting expenditure that is—
 - (a) charitable,
 - (b) connected with health,
 - (c) connected with education, or
 - (d) connected with the environment.
- (4) The reference in subsection (3) to the distribution of money received under subsection (1) is a reference to doing anything of a kind that the Fund can do under section 36B.
- (5) A reference in this Act to payment under section 25(1) shall include a reference to payment under subsection (3) above.

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Textual Amendments

F2 Ss. 36B-36E inserted (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 15(2)**, 22(1); S.I. 2006/3201, art. 2(c)

36D Power to give advice

The Big Lottery Fund may give advice about—

- (a) the distribution of money under any provision of this Act;
- (b) inviting, making or considering applications for grants and loans under any provision of this Act;
- (c) the use of money paid under any provision of this Act.

Textual Amendments

F2 Ss. 36B-36E inserted (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 15(2)**, 22(1); S.I. 2006/3201, art. 2(c)

36E Directions

(1) In exercising any of its functions the Big Lottery Fund shall comply with any direction given to it [^{F5}by the Secretary of State (subject to subsection (4))]

[^{F6}(2) A direction under this section may, in particular, specify matters to be taken into account in determining the person to whom, the purposes for which and the conditions subject to which the Fund distributes money.]

(3) A direction under [^{F7}this section may, in particular] —

- (a) relate to the management and control of money received by the Fund;
- [relate to the employment of staff;]
- ^{F8}(ab)
- ^{F9}(b)
- (c) with the consent of the Treasury, relate to—
 - (i) the form of accounts, or
 - (ii) methods and principles for the preparation of accounts;
- (d) in so far as it relates to a matter specified in [^{F10}paragraphs (a) to (c)] —
 - (i) relate to the persons to whom or the terms on which the Fund delegates functions;
 - (ii) require the Fund to obtain the Secretary of State's consent before taking action of a specified kind;
 - (iii) require the Fund to provide information to the Secretary of State.

(4) A direction under [^{F11}this section, other than a direction given by virtue only of subsection (3), may not be given by the Secretary of State] in relation to Welsh, Scottish or Northern Ireland devolved expenditure, but—

- (a) may be given by the National Assembly for Wales in relation to Welsh devolved expenditure,
- (b) may be given by the Scottish Ministers in relation to Scottish devolved expenditure, and

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- (c) may be given by the Northern Ireland Department of Culture, Arts and Leisure in relation to Northern Ireland devolved expenditure.
- (5) Before giving a direction under [F12this section, other than by virtue only of subsection (3), the Secretary of State] shall consult—
 - (a) the Fund,
 - (b) the National Assembly for Wales,
 - (c) the Scottish Ministers, and
 - (d) the Northern Ireland Department of Culture, Arts and Leisure.
- (6) But subsection (5)(b) to (d) shall not apply to a direction which relates only to English devolved expenditure.
- (7) Before giving a direction to the Fund [F13by virtue only of subsection (3) the Secretary of State] shall consult the Fund.
- (8) Before giving a direction to the Fund by virtue of subsection (4)(a) to (c) the person giving the direction shall—
 - (a) consult the Fund, and
 - (b) obtain the consent of the [F14Secretary of State] .
- (9) A report of the Fund under section 34 shall set out any directions given to the Fund under subsection (1) that had effect during the financial year to which the report relates.]

Textual Amendments

- F2** Ss. 36B-36E inserted (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 15(2)**, 22(1); S.I. 2006/3201, **art. 2(c)**
- F5** Words in s. 36E(1) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), **art. 1(2)**, **Sch. 2 para. 9(7)** (with **art. 12**)
- F6** S. 36E(2) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), **art. 1(2)**, **Sch. 2 para. 9(8)** (with **art. 12**)
- F7** Words in s. 36E(3) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), **art. 1(2)**, **Sch. 2 para. 9(9)(a)** (with **art. 12**)
- F8** S. 36E(3)(ab) inserted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), **art. 1(2)**, **Sch. 2 para. 9(9)(b)** (with **art. 12**)
- F9** S. 36E(3)(b) omitted (13.4.2011) by virtue of [The Transfer of Functions \(Big Lottery Fund\) Order 2011 \(S.I. 2011/739\)](#), **art. 1(2)**, **Sch. para. 7(4)(b)** (with **art. 3**)
- F10** Words in s. 36E(3)(d) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), **art. 1(2)**, **Sch. 2 para. 9(9)(c)** (with **art. 12**)
- F11** Words in s. 36E(4) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), **art. 1(2)**, **Sch. 2 para. 9(10)** (with **art. 12**)
- F12** Words in s. 36E(5) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), **art. 1(2)**, **Sch. 2 para. 9(11)** (with **art. 12**)
- F13** Words in s. 36E(7) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), **art. 1(2)**, **Sch. 2 para. 9(12)** (with **art. 12**)
- F14** Words in s. 36E(8)(b) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), **art. 1(2)**, **Sch. 2 para. 9(13)** (with **art. 12**)

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- C2** S. 36E functions transferred (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), arts. 1(2), **10(2)(c)** (with arts. 10(3), 11, 12)

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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.)