



National Lottery etc. Act 1993

1993 CHAPTER 39

PART II

DISTRIBUTION OF THE NET PROCEEDS OF THE NATIONAL LOTTERY

Control by the Secretary of State

29 Power to amend section 23.

- (1) The Secretary of State may by order amend subsection (1), (2), (3) or (4) of section 23 so as—
 - (a) to substitute a different body for any body for the time being specified in that subsection;
 - (b) to add another body to the bodies or body for the time being specified in it;
 - (c) to omit any body for the time being specified in it;
 - (d) to substitute different percentages for any percentages for the time being specified in it.
- (2) Any amendment made under subsection (1) shall be such that the amended subsection—
 - (a) provides for the whole of the sum mentioned in that subsection to be held for distribution by the one body specified in that subsection, or
 - (b) provides for the whole of that sum to be held for distribution by the two or more bodies specified in that subsection and specifies, in relation to each of those bodies, what percentage of that sum is to be held for distribution by that body.
- (3) The Secretary of State may by order provide that subsection (1), (2), (3) or (4) of section 23 shall, pending the making of an order amending that subsection under subsection (1),—
 - (a) cease to have effect, or
 - (b) have effect as if any of the bodies for the time being specified in it were omitted.

Changes to legislation: National Lottery etc. Act 1993, Section 29 is up to date with all changes known to be in force on or before 01 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) Without prejudice to the generality of section 60(5)—
- (a) an order made under subsection (1) may provide for sums that apart from the order would be held in the Distribution Fund for distribution by a particular body to be held in the Distribution Fund for distribution by another body (being a body that on the coming into force of the order is specified in the subsection amended by the order);
 - (b) an order made under subsection (3) may provide for sums that apart from the order would be held in the Distribution Fund for distribution by a particular body to be held in the Distribution Fund in the name of the Secretary of State, pending being held for distribution by another body in accordance with the order to be made under subsection (1).
- (5) Without prejudice to the generality of subsection (1), the Secretary of State may exercise his powers under that subsection so as to remove from section 23 any body that has contravened or failed to comply with a requirement or prohibition imposed on it by or under section 26 or 27.
- [^{F1}(6) The functions of the Secretary of State under this section shall, in so far as they relate to—
- (a) substitution of a different body for, or addition of another body to, the body specified in section 23(3) or (4) or omission of a body specified in either of those subsections; or
 - (b) substitution of a different percentage for the total aggregate percentage specified as held in the Distribution Fund for—
 - (i) any body or bodies specified in section 23(1) whose functions exclusively or mainly relate to the arts in Scotland, or
 - (ii) any body or bodies specified in section 23(2) whose functions exclusively or mainly relate to sport in Scotland;
 - (c) substitution of a different body for, or addition of another body to, any such body specified in section 23(1) or (2) as is mentioned in paragraph (b) above or omission of any such body specified in section 23(1) or (2); or
 - (d) where more than one such body is specified in section 23(1) or (2), specification of the particular percentage held in the Distribution Fund for distribution by any one of those bodies,
- be treated as exercisable in or as regards Scotland and may be exercised separately.]

Textual Amendments

- F1** S. 29(6) added (30.6.1999) by S.I. 1999/1756, arts. 1(1), 2, **Sch. para. 15(5)** (with art. 8); S.I. 1998/3178, **art. 3**

Modifications etc. (not altering text)

- C1** S. 29(1) (as read with s. 29(6)(c)(d)): transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**
 S. 29(1) (as read with s. 29(6)(a)(b)): functions amended (1.7.1999) by S.I. 1999/1750, arts. 1(1), 4, **Sch. 3** (with art. 7); S.I. 1998/3178, **art. 3**
 S. 29(1): functions amended (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**
- C2** S. 29(3) (as read with s. 29(6)(c)(d)): transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**
 S. 29(3) (as read with s. 29(6)(a)(b)): functions amended (1.7.1999) by S.I. 1999/1750, arts. 1(1), 4, **Sch. 3** (with art. 7); S.I. 1998/3178, **art. 3**

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- C3** S. 29(3)(b): functions amended (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**
- C4** S. 29(4) (as read with s. 29(6)(c)(d)): transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**
S. 29(4) (as read with s. 29(6)(a)(b)): functions amended (1.7.1999) by S.I. 1999/1750, arts. 1(1), 4, **Sch. 3** (with art. 7); S.I. 1998/3178, **art. 3**
- C5** S. 29(5) (as read with s. 29(6)(c)(d)): transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**
S. 29(5) (as read with s. 29(6)(a)(b)) functions amended (1.7.1999) by S.I. 1999/1750, arts. 1(1), 4, **Sch. 3** (with art. 7); S.I. 1998/3178, **art. 3**

Changes to legislation:

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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.)