



National Lottery Act 1998

1998 CHAPTER 22

PART I

PROVISIONS RELATING TO THE NATIONAL LOTTERY

Distributing bodies

11 Delegation by distributing bodies of their powers of distribution

(1) After section 25 of the 1993 Act there shall be inserted—

“25A Delegation by distributing bodies of their powers of distribution

- (1) A body which distributes money under subsection (1) of section 25 may appoint any other body or person to exercise on its behalf any of its functions relating to, or connected with, the distribution of money under that subsection (including its function of making decisions as to the persons to whom such distributions are to be made)—
 - (a) in any particular case, or
 - (b) in cases of any particular description.
- (2) The persons who may be appointed by a body under subsection (1) include a member, employee or committee of the body itself.
- (3) A body which makes an appointment under subsection (1) may defray out of any money paid to it under section 24 any expenses incurred by the appointee in consequence of the appointment.
- (4) Power to accept any such appointment as is mentioned in subsection (1) is conferred by this subsection on the following bodies—
 - (a) any body which distributes money under section 25(1),
 - (b) any charity or any charitable, benevolent or philanthropic institution,
 - (c) any body established by or under an enactment, and

Status: This is the original version (as it was originally enacted).

- (d) any body established by Royal Charter.
- (5) A body appointed by virtue of subsection (1) to exercise a function on behalf of another may itself appoint any of its members or employees, or a committee, to exercise the function in its stead, but only if—
 - (a) the terms of the body’s appointment by virtue of subsection (1) so permit, and
 - (b) the body has power apart from this section to appoint a member or, as the case may be, an employee or committee of the body to exercise some or all of its functions.
- (6) Subject to the following provisions of this section—
 - (a) a body which distributes money under section 25(1) may establish a committee for the purpose of exercising on behalf of the body any such function as is mentioned in subsection (1), and
 - (b) a body falling within any paragraph of subsection (4) may establish a committee for the purpose of exercising on behalf of any body which distributes money under section 25(1) any such function as is mentioned in subsection (1).
- (7) A committee established under subsection (6)—
 - (a) must consist of or include one or more members, or one or more employees, of the body establishing the committee, but
 - (b) may include persons who are neither members nor employees of that body.
- (8) Any power conferred on a body by subsections (1) to (7) is so conferred—
 - (a) to the extent that the body would not have the power apart from this section, and
 - (b) notwithstanding anything to the contrary in any enactment or instrument relating to the functions of the body.
- (9) In this section—
 - “charity” means a body, or the trustees of a trust, established for charitable purposes only;
 - “charitable, benevolent or philanthropic institution” means a body, or the trustees of a trust, which is established for charitable purposes (whether or not those purposes are charitable within the meaning of any rule of law), benevolent purposes or philanthropic purposes, and which is not a charity.
- (10) For the purposes of this section—
 - (a) the trustees of a trust shall be regarded as a body, and
 - (b) any reference to a member of a body shall, in the case of a body of trustees, be taken as a reference to any of the trustees,
 and references to a committee shall be construed accordingly.
- (11) Any reference in this section to a member of a body includes a reference to the chairman or deputy chairman of (or the holder of any corresponding office in relation to) the body.”
- (2) In section 26 of the 1993 Act (directions to distributing bodies) after subsection (3) there shall be inserted—

Status: This is the original version (as it was originally enacted).

- “(3A) In exercising any power under section 25A, a body which distributes money under section 25(1) shall comply with any directions given to it by the Secretary of State.”
- (3) In subsection (4) of that section, after “Directions under subsection (3)” there shall be inserted “or (3A)”.
- (4) After subsection (4) of that section there shall be inserted—
- “(4A) Directions under subsection (3A) may in particular—
- (a) impose limits on the amount of money which may be distributed by a body under section 25(1) by virtue of decisions made on its behalf by bodies or persons not falling within section 25A(2), and
 - (b) require a body, before appointing any body or person not falling within section 25A(2) to exercise on its behalf any function of making decisions concerning the distribution of money under section 25(1), to obtain the approval of the Secretary of State to its plans for making such appointments.”
- (5) In Schedule 5 to the 1993 Act (the National Lottery Charities Board) in paragraph 2 (committees) sub-paragraphs (4) to (6) (which are superseded by amendments made by this section) shall cease to have effect, and after sub-paragraph (6) there shall be inserted—
- “(7) Subsection (7) of section 25A shall apply in relation to any committee of the Charities Board as it applies in relation to a committee appointed under subsection (6) of that section.”
- (6) In paragraph 3 of that Schedule (tenure of office) in sub-paragraph (4)(a) (removal on grounds of absence from meetings) for “or (as the case may be) from meetings of the committee without the committee’s consent” there shall be substituted “or from meetings of a committee of the Board without the committee’s consent”.