

**Changes to legislation:** National Lottery etc. Act 1993, SCHEDULE 4A is up to date with all changes known to be in force on or before 11 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

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 4A

#### THE BIG LOTTERY FUND

##### Textual Amendments

**F1** Sch. 4A inserted (1.8.2006) by [National Lottery Act 2006 \(c. 23\)](#), s. 22(1), [Sch. 2](#); S.I. 2006/2177, art. 2

##### Modifications etc. (not altering text)

**C1** Sch. 4A: transfer of functions (13.4.2011) by [The Transfer of Functions \(Big Lottery Fund\) Order 2011 \(S.I. 2011/739\)](#), arts. 1(2), [2\(1\)\(e\)](#) (with art. 3)

**C2** Sch. 4A 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)

### PART 1

#### CONSTITUTION

##### *Membership*

- 1 (1) The Big Lottery Fund shall consist of [<sup>F2</sup>between 9 and 12] members appointed by the [<sup>F3</sup>Secretary of State] .
- (2) The [<sup>F3</sup>Secretary of State] shall appoint one of the members as Chairman.
- (3) The [<sup>F3</sup>Secretary of State] shall ensure that at any time—
- (a) one of the members is appointed to represent the interests of England,
  - (b) one of the members is appointed to represent the interests of Wales,
  - (c) one of the members is appointed to represent the interests of Scotland, and
  - (d) one of the members is appointed to represent the interests of Northern Ireland.
- (4) In complying with paragraphs (a) to (d) of sub-paragraph (3) the [<sup>F3</sup>Secretary of State] —
- (a) may not appoint a member for the purpose of satisfying more than one of those paragraphs,
  - (b) may appoint the Chairman for the purpose of satisfying one of those paragraphs,
  - (c) shall obtain the agreement of the National Assembly for Wales before appointing a person to satisfy paragraph (b),
  - (d) shall obtain the agreement of the Scottish Ministers before appointing a person to satisfy paragraph (c), and

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- (e) shall obtain the agreement of the Northern Ireland Department of Culture, Arts and Leisure before appointing a person to satisfy paragraph (d).
- (5) The [<sup>F3</sup>Secretary of State] may by order vary the number specified in sub-paragraph (1).
- (6) Before making an order under sub-paragraph (5) the [<sup>F3</sup>Secretary of State] shall consult—
  - (a) the National Assembly for Wales,
  - (b) the Scottish Ministers, and
  - (c) the Northern Ireland Department of Culture, Arts and Leisure.

#### Textual Amendments

- F2** Words in Sch. 4A para. 1(1) substituted (2.11.2011) by [The National Lottery etc. Act 1993 \(Big Lottery Fund\) \(Amendment of Schedule 4A\) Order 2011 \(S.I. 2011/2385\)](#), arts. 1, **2**
- F3** Words in Sch. 4A 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(15)(a)** (with art. 12)

#### *Tenure*

- 2 A person shall hold and vacate office as Chairman or other member of the Fund in accordance with the terms of his appointment (subject to this Schedule).
- 3 The Chairman or another member may resign his office by notice in writing to the [<sup>F3</sup>Secretary of State] .

#### Textual Amendments

- F3** Words in Sch. 4A 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(15)(a)** (with art. 12)

- 4 (1) The Chairman or another member may be removed from office by the [<sup>F3</sup>Secretary of State] on the grounds that—
  - (a) a bankruptcy order has been made against him [<sup>F4</sup>or a debt relief order has been made in respect of him (under Part 7A of the Insolvency Act 1986),] , his estate has been sequestrated or he has made a composition or arrangement with, or granted a trust deed for, his creditors, or
  - (b) he is, in the opinion of the [<sup>F3</sup>Secretary of State] , unable, unfit or unwilling to discharge the functions of his office.
- (2) Before exercising the power under sub-paragraph (1) in respect of a person appointed for the purpose of satisfying paragraph 1(3)(b), (c) or (d) the [<sup>F3</sup>Secretary of State] shall consult—
  - (a) the National Assembly for Wales, in the case of a person appointed for the purpose of satisfying paragraph 1(3)(b),
  - (b) the Scottish Ministers, in the case of a person appointed for the purpose of satisfying paragraph 1(3)(c), and
  - (c) the Northern Ireland Department of Culture, Arts and Leisure, in the case of a person appointed for the purpose of satisfying paragraph 1(3)(d).

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#### Textual Amendments

- F3** Words in Sch. 4A 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(15)(a)** (with art. 12)
- F4** Words in Sch. 4A para. 4(1)(a) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 29(3)** (with art. 5)

- 5 A person who ceases, otherwise than by virtue of paragraph 4, to be Chairman or another member may be re-appointed.

#### Staff

- 6 The Fund may appoint staff (subject to any directions under [<sup>F5</sup>section 36E(3)(ab)] ).

#### Textual Amendments

- F5** Words in Sch. 4A para. 6 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(15)(b)** (with art. 12)

#### Modifications etc. (not altering text)

- C3** Sch. 4A para. 6 restricted (12.3.2009) by [Dormant Bank and Building Society Accounts Act 2008 \(c. 31\)](#), **ss. 22(8), 31(1)**; [S.I. 2009/490](#), art. 2

#### Committees

- 7 (1) The Fund shall establish—
- (a) a committee, chaired by the member appointed under paragraph 1(3)(a), for the purpose of exercising the Fund's functions in relation to English devolved expenditure,
  - (b) a committee, chaired by the member appointed under paragraph 1(3)(b), for the purpose of exercising the Fund's functions in relation to Welsh devolved expenditure,
  - (c) a committee, chaired by the member appointed under paragraph 1(3)(c), for the purpose of exercising the Fund's functions in relation to Scottish devolved expenditure, and
  - (d) a committee, chaired by the member appointed under paragraph 1(3)(d), for the purpose of exercising the Fund's functions in relation to Northern Ireland devolved expenditure.
- (2) Before appointing the members of a committee established under sub-paragraph (1) the Fund shall obtain the consent of—
- (a) in the case of the committee concerned with England, the [<sup>F3</sup>Secretary of State] ;
  - (b) in the case of the committee concerned with Wales, the National Assembly for Wales;
  - (c) in the case of the committee concerned with Scotland, the Scottish Ministers;
  - (d) in the case of the committee concerned with Northern Ireland, the Northern Ireland Department of Culture, Arts and Leisure.

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- (3) A committee established under sub-paragraph (1) shall carry on its activities under such name as the committee may determine with the consent of the [<sup>F3</sup>Secretary of State] and—
- (a) in the case of the committee concerned with Wales, with the consent of the National Assembly for Wales;
  - (b) in the case of the committee concerned with Scotland, with the consent of the Scottish Ministers;
  - (c) in the case of the committee concerned with Northern Ireland, with the consent of the Northern Ireland Department of Culture, Arts and Leisure.

#### Textual Amendments

- F3** Words in Sch. 4A 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(15)(a)** (with art. 12)

#### Modifications etc. (not altering text)

- C4** Sch. 4A para. 7(1)(a) functions extended (12.3.2009) by [Dormant Bank and Building Society Accounts Act 2008 \(c. 31\)](#), s. 31(1), **Sch. 3 para. 8(1)**; S.I. 2009/490, art. 2
- C5** Sch. 4A para. 7(1)(b) functions extended (12.3.2009) by [Dormant Bank and Building Society Accounts Act 2008 \(c. 31\)](#), s. 31(1), **Sch. 3 para. 8(2)**; S.I. 2009/490, art. 2
- C6** Sch. 4A para. 7(1)(c) functions extended (12.3.2009) by [Dormant Bank and Building Society Accounts Act 2008 \(c. 31\)](#), s. 31(1), **Sch. 3 para. 8(3)**; S.I. 2009/490, art. 2
- C7** Sch. 4A para. 7(1)(d) functions extended (12.3.2009) by [Dormant Bank and Building Society Accounts Act 2008 \(c. 31\)](#), s. 31(1), **Sch. 3 para. 8(4)**; S.I. 2009/490, art. 2

- 8 Nothing in paragraph 7 or section 25A(6) shall prevent the Fund from—
- (a) establishing a committee otherwise than in accordance with that paragraph or section, or
  - (b) authorising a committee (whether or not established in accordance with that paragraph or section) to exercise a function of the Fund.
- 9 Section 25A(7) shall apply in relation to any committee of the Fund as it applies in relation to a committee established under section 25A(6).

#### *Status*

- 10 The Fund shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

#### *Supervision*

- 11 In Schedule 2 to the Parliamentary Commissioner Act 1967 (c. 13) (departments, &c. subject to investigation) insert at the appropriate place— “ The Big Lottery Fund. ”

#### *Disqualification*

- 12 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (other disqualifying offices) insert at the appropriate place— “ Chairman, or member in receipt of remuneration, of the Big Lottery Fund. ”

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- 13 In Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (other disqualifying offices) insert at the appropriate place— “Chairman, or member in receipt of remuneration, of the Big Lottery Fund. ”

## PART 2

### PROCEEDINGS

#### *Self-regulation*

- 14 The Fund may, subject to this Schedule, regulate its procedure and the procedure of its committees (and may, in particular, make provision for a quorum).

#### *Records*

- 15 In Schedule 1 to the Public Records Act 1958 (definition of public records) the following entry shall be inserted at the appropriate place in Part II of the Table at the end of paragraph 3— “ The Big Lottery Fund. ”

#### *Saving*

- 16 The validity of proceedings of the Fund or a committee shall not be affected by—  
(a) a vacancy among its members, or  
(b) a defect in the appointment of a person as Chairman or member.

## PART 3

### MONEY

#### *Remuneration, &c.*

- 17 (1) The Fund may pay to the Chairman, another member or a member of a committee—  
(a) such remuneration as the [<sup>F3</sup>Secretary of State] may determine, and  
(b) such travelling and other allowances as the [<sup>F3</sup>Secretary of State] may determine.
- (2) The Fund may pay to or in respect of the Chairman or another member such sums as the [<sup>F3</sup>Secretary of State] may determine by way of, or in respect of, pensions, allowances or gratuities.
- (3) If the [<sup>F3</sup>Secretary of State] thinks that there are special circumstances that make it right for a person ceasing to hold office as Chairman or member to receive compensation, the Fund may pay him such compensation as the [<sup>F3</sup>Secretary of State] may determine.

#### Textual Amendments

- F3** Words in Sch. 4A 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\(15\)\(a\)](#) (with art. 12)

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- 18 (1) The Fund may (subject to any directions under [<sup>F6</sup>section 36E(3)(ab)] ) pay sums to or in respect of a member or former member of staff by way of or in respect of—
- (a) remuneration,
  - (b) allowances,
  - (c) pensions,
  - (d) gratuities, or
  - (e) compensation for loss of employment.
- (2) In Schedule 1 to the Superannuation Act 1972 (c. 11) (employment to which superannuation schemes may extend) in the list of other bodies insert at the appropriate place— “ The Big Lottery Fund. ”

#### Textual Amendments

- F6** Words in Sch. 4A para. 18(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\(15\)](#) ([b](#)) (with art. 12)

#### Modifications etc. (not altering text)

- C8** Sch. 4A para. 18 restricted (12.3.2009) by [Dormant Bank and Building Society Accounts Act 2008 \(c. 31\)](#), [ss. 22\(8\), 31\(1\)](#); [S.I. 2009/490](#), art. 2

#### Payments

- 19 The Fund may make payments in respect of expenditure (which may include expenditure of a capital nature) of—
- (a) the Fund, or
  - (b) a person to whom it delegates a function under section 25A(1).

#### Investment

- 20 (1) The Fund may deposit money in an interest-bearing account (but may not otherwise invest).
- (2) The proceeds of money received by the Fund and invested under sub-paragraph (1) shall be treated for the purposes of Part II of this Act as part of that money.

#### Accounts

- 21 (1) The Fund shall—
- (a) keep proper accounting records [<sup>F7</sup>relating to the exercise of its functions under this Act] , and
  - [<sup>F8</sup>(b) prepare in respect of each financial year a statement of accounts relating to the exercise of those functions.]
- (2) The Fund shall send a copy of a statement under sub-paragraph (1)(b)—
- (a) to the [<sup>F3</sup>Secretary of State] ,
  - (b) to the National Assembly for Wales,
  - (c) to the Scottish Ministers,
  - (d) to the Northern Ireland Department of Culture, Arts and Leisure, and

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- (e) to the Comptroller and Auditor General.
- (3) A copy of a statement must be sent under sub-paragraph (2) within such period, beginning with the end of the financial year to which the statement relates, as the [<sup>F3</sup>Secretary of State] may, with the consent of the Treasury, direct.
- (4) The Comptroller and Auditor General shall—
  - (a) examine, certify and report on a statement received under this paragraph, and
  - (b) lay a copy of the statement and his report before Parliament.]

#### Textual Amendments

- F3** Words in Sch. 4A 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(15)(a)** (with art. 12)
- F7** Words in Sch. 4A para. 21(1)(a) inserted (12.3.2009) by [Dormant Bank and Building Society Accounts Act 2008 \(c. 31\)](#), s. 31(1), **Sch. 3 para. 11(a)**; S.I. 2009/490, art. 2
- F8** Sch. 4A para. 21(1)(b) substituted (12.3.2009) by [Dormant Bank and Building Society Accounts Act 2008 \(c. 31\)](#), s. 31(1), **Sch. 3 para. 11(b)**; S.I. 2009/490, art. 2

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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.)