

Changes to legislation: National Lottery etc. Act 1993, Part 1 is up to date with all changes known to be in force on or before 18 January 2024. 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

[^{F1}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)

C1 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 [^{F2}between 9 and 12] members appointed by the [^{F3}Secretary of State] .
- (2) The [^{F3}Secretary of State] shall appoint one of the members as Chairman.
- (3) The [^{F3}Secretary of State] shall ensure that at any time—
- one of the members is appointed to represent the interests of England,
 - one of the members is appointed to represent the interests of Wales,
 - one of the members is appointed to represent the interests of Scotland, and
 - 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 [^{F3}Secretary of State] —
- may not appoint a member for the purpose of satisfying more than one of those paragraphs,
 - may appoint the Chairman for the purpose of satisfying one of those paragraphs,
 - shall obtain the agreement of the National Assembly for Wales before appointing a person to satisfy paragraph (b),
 - 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 [^{F3}Secretary of State] may by order vary the number specified in sub-paragraph (1).
- (6) Before making an order under sub-paragraph (5) the [^{F3}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 [^{F3}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 [^{F3}Secretary of State] on the grounds that—
 - (a) a bankruptcy order has been made against him [^{F4}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 [^{F3}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 [^{F3}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 [^{F5}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)

- C1** 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 [^{F3}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 [^{F3}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)

- C2** 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
- C3** 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
- C4** 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
- C5** 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.”]

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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.)