

**2010 No. 223**

**NATIONAL LOTTERY**

**The National Lottery etc. Act 1993 (Amendment of Section 23)  
(Creative Scotland) Order 2010**

<i>Made</i>	- - - -	<i>4th June 2010</i>
<i>Laid before the Scottish Parliament</i>		<i>8th June 2010</i>
<i>Coming into force</i>	- -	<i>1st July 2010</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 29(1) and (4) of the National Lottery etc. Act 1993(a) and all other powers enabling them to do so.

The Secretary of State has agreed to the making of this Order in accordance with article 2 of, and Schedule 1 to, the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999(b).

**Citation and commencement**

1. This Order may be cited as the National Lottery etc. Act 1993 (Amendment of Section 23) (Creative Scotland) Order 2010 and comes into force on 1st July 2010.

**Amendment of section 23(1) of the National Lottery etc. Act 1993**

2.—(1) Section 23(1) of the National Lottery etc. Act 1993(c) (distributing bodies for sums allocated for expenditure on or connected with the arts) is amended as follows.

(2) For paragraph (b) (both as it has effect in Scotland and as it has effect in England and Wales and Northern Ireland) substitute—

“(b) as to 8.9 per cent., for distribution by Creative Scotland,”.

(3) After “Ireland” in paragraph (d) insert “, and”.

(4) Omit paragraph (f) and the word “and” immediately preceding it.

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(a) 1993 c.39; relevant modifications are contained in the Scotland Act 1998 (Modification of Functions) Order 1999 (S.I. 1999/1756). The functions of the Secretary of State were transferred in certain circumstances to the Scottish Ministers by virtue of article 2 of and Schedule 1 to the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750).

(b) S.I. 1999/1750; those provisions provide that the functions of the Secretary of State under section 29(1) and (4) of the National Lottery etc. Act 1993, as read with section 29(6)(c) and (d) of that Act, are exercisable by the Scottish Ministers with the agreement of the Secretary of State.

(c) Section 23(1) has been amended by S.I. 1994/1342, 1995/2088, 1999/2090 and 2007/743 and S.S.I. 2000/78.

**Transfer of sums held in the National Lottery Distribution Fund**

3. All sums that, apart from this Order, would be held in the Distribution Fund for distribution by the Scottish Arts Council and by Scottish Screen are held for distribution by Creative Scotland.

St Andrew's House,  
Edinburgh  
4th June 2010

*FIONA HYSLOP*  
Authorised to sign by the Scottish Ministers

I agree.

2nd June 2010

*JOHN PENROSE*  
Minister for Tourism and Heritage

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends section 23 of the National Lottery etc. Act 1993 in consequence of the establishment, by the Public Services Reform (Scotland) Act 2010 (asp 8), of Creative Scotland (also known as Alba Cruthachail) as the successor body to the Scottish Arts Council and Scottish Screen.

Section 23 specifies the bodies that are to distribute sums paid into the National Lottery Distribution Fund. Subsection (1) deals with sums paid into the Distribution Fund and allocated for expenditure on or connected with the arts. Article 2 of this Order adds Creative Scotland to the list of distributing bodies in section 23(1) and removes the Scottish Arts Council and Scottish Screen from that list. The article also provides that 8.9 per cent. of the sums paid into the Distribution Fund and allocated for expenditure on or connected with the arts is to be held for distribution by Creative Scotland (this being the combined proportions held for distribution by the Scottish Arts Council and Scottish Screen). In making changes to section 23(1) on a UK basis, this Order, while only making law as regards Scotland, ensures that the text of section 23 applies uniformly to the UK as a whole.

Article 3 of this Order transfers the balances of the Scottish Arts Council and Scottish Screen in the Distribution Fund to Creative Scotland.

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