



# National Lottery etc. Act 1993

## 1993 CHAPTER 39

An Act to authorise lotteries to be promoted as part of a National Lottery; to make provision with respect to the running and regulation of that National Lottery and with respect to the distribution of its net proceeds; to increase the membership and extend the powers of the Trustees of the National Heritage Memorial Fund; to amend section 1 of the Revenue Act 1898 and the Lotteries and Amusements Act 1976; to amend the law relating to pool betting; and for connected purposes. [21st October 1993]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Modifications etc. (not altering text)

C1 Certain functions transferred (1.4.1999) by 1998 c. 22, s. 1(4); S.I. 1999/650, art. 2.

## PART I

### AUTHORISATION AND REGULATION OF THE NATIONAL LOTTERY

#### *Preliminary*

#### **1 The National Lottery.**

- (1) In this Act “the National Lottery” means all the lotteries that form part of the National Lottery, taken as a whole.
- (2) A lottery forms part of the National Lottery if the following conditions are satisfied.
- (3) The lottery must be promoted or proposed to be promoted—
  - (a) by the [<sup>F1</sup>person] licensed to run the National Lottery under section 5, or

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- (b) in pursuance of an agreement that has been made between that [<sup>F2</sup>person] and the lottery's promoter or proposed promoter.
- (4) The promotion of the lottery must be authorised by a licence that has been granted to its promoter or proposed promoter under section 6.

#### Textual Amendments

- F1** Word in s. 1(3)(a) substituted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 3(a)**, 22(1); S.I. 2006/2630, **art. 2(a)**
- F2** Word in s. 1(3)(b) substituted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 3(a)**, 22(1); S.I. 2006/2630, **art. 2(a)**

### <sup>F3</sup>2 **Legality of lotteries forming part of the National Lottery.**

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#### Textual Amendments

- F3** S. 2 repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), **Sch. 17** (with **ss. 352, 354**); S.I. 2006/3272, **art. 2(4)(5)**, **Sch. 3B** (with **arts. 7-12, Sch. 4**) (as inserted by S.I. 2007/2169, **arts. 3, 6, Sch.**)

### <sup>F4</sup>3 .....

#### Textual Amendments

- F4** S. 3 repealed (1.4.1999) by [1998 c. 22](#), **ss. 1(2), 26, Sch. 5 Pt. I**; S.I. 1999/650, **art. 2**.

### [<sup>F5</sup>3A **The National Lottery Commission.**

- (1) There shall be a body corporate known as the National Lottery Commission.
- (2) Schedule 2A makes provision in relation to the Commission.]

#### Textual Amendments

- F5** S. 3A inserted (1.4.1999) by [1998 c. 22](#), **s. 1(3)**; S.I. 1999/650, **art. 2** .

## 4 **Overriding duties of the Secretary of State and Director General.**

- (1) The Secretary of State and (subject to any directions he may be given by the Secretary of State under section 11) the Director General shall each exercise his functions under this Part in the manner he considers the most likely to secure—
- (a) that the National Lottery is run, and every lottery that forms part of it is promoted, with all due propriety, and
  - (b) that the interests of every participant in a lottery that forms part of the National Lottery are protected.

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- (2) Subject to subsection (1), the Secretary of State and the Director General shall each in exercising those functions do his best to secure that the net proceeds of the National Lottery are as great as possible.
- (3) In subsection (2) “the net proceeds of the National Lottery” means the sums that are paid to the Secretary of State by virtue of section 5(6).

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

- C2** S. 4 modified (8.4.2005) by [Horserace Betting and Olympic Lottery Act 2004 \(c. 25\)](#), **ss. 34(2)**, 40; [S.I. 2005/1134](#), art. 2
- C3** S. 4 functions made partly exercisable concurrently (22.8.2007) by [The Transfer of Functions \(Olympics and Paralympics\) Order 2007 \(S.I. 2007/2129\)](#), arts. 1(2), **3(1)(2)(a)(i)** (with art. 4)

### [<sup>F6</sup>4A Consultation with Gambling Commission

- (1) If in the course of the exercise of its functions the National Lottery Commission becomes aware of a matter about which the Gambling Commission is likely to have an opinion, the National Lottery Commission shall consult the Gambling Commission.
- (2) The National Lottery Commission shall comply with any direction of the Secretary of State (which may be general or specific) to consult the Gambling Commission.]

#### Textual Amendments

- F6** S. 4A inserted (E.W.S.) (1.10.2005) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), **Sch. 3 para. 2** (with **ss. 352**, 354); [S.I. 2005/2455](#), art. 2(1), **Sch.**

### [<sup>F7</sup>4B Disclosure of information

- (1) The Commissioners for Her Majesty's Revenue and Customs may disclose information to the National Lottery Commission.
- (2) The National Lottery Commission may disclose information to the Commissioners for Her Majesty's Revenue and Customs.
- (3) Information disclosed under this section shall not be further disclosed except in accordance with subsection (4).
- (4) Information may be further disclosed—
  - (a) for the purpose of complying with an enactment,
  - (b) in pursuance of an order of a court,
  - (c) for the purpose of legal proceedings connected with the operation of an enactment relating to lotteries,
  - (d) with the consent of the Commissioners for Her Majesty's Revenue and Customs,
  - (e) with the consent of each person to whom the information relates, or
  - (f) to the National Audit Office for the purposes of the exercise of functions under Part II of the National Audit Act 1983 (c. 44).

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- (5) This section has effect despite any prohibition or restriction that would otherwise prevent disclosure of information.

#### Textual Amendments

**F7** Ss. 4B, 4C inserted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), ss. 2, 22(1); S.I. 2006/2630, art. 2(a)

### 4C Wrongful disclosure

- (1) This section applies to a person—
  - (a) who is or was an officer or employee of the National Lottery Commission, or
  - (b) who acts or acted on behalf of the National Lottery Commission.
- (2) A person to whom this section applies commits an offence if he discloses information received from the Commissioners for Her Majesty's Revenue and Customs in contravention of section 4B(3) and the information relates to a person whose identity—
  - (a) is specified in the disclosure, or
  - (b) can be deduced from it.
- (3) It is a defence for a person charged with an offence under this section of disclosing information to prove that he reasonably believed—
  - (a) that the disclosure was lawful, or
  - (b) that the information had already and lawfully been made available to the public.
- (4) A person guilty of an offence under this section shall be liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both, or
  - (b) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both.
- (5) In relation to a conviction occurring before the commencement of section 282 of the Criminal Justice Act 2003 (c. 44) (short sentences) the reference in subsection (4)(b) to 12 months shall have effect as if it were a reference to six months.
- (6) In the application of this section to Scotland or Northern Ireland the reference in subsection (4)(b) to 12 months shall be taken as a reference to six months.]

#### Textual Amendments

**F7** Ss. 4B, 4C inserted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), ss. 2, 22(1); S.I. 2006/2630, art. 2(a)

### *The licensing system*

### 5 Licensing of a [<sup>F8</sup>person] to run the National Lottery.

- (1) The Director General may by licence authorise a [<sup>F9</sup>person] to run the National Lottery.

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- (2) Only one [<sup>F10</sup>person] may be licensed under this section at any one time.
- (3) The Director General shall not grant a licence under this section unless an application in writing, containing such information as he has specified as necessary for enabling him to determine whether to grant it, has been made to him by such date as he has specified.
- (4) The Director General shall not grant such a licence unless he is satisfied that the applicant is a fit and proper [<sup>F11</sup>person] to run the National Lottery.
- (5) In determining whether to grant such a licence, the Director General may consider—
- whether any person who appears to him to be likely to manage the business or any part of the business of running the National Lottery under the licence is a fit and proper person to do so, and
  - whether any person who appears to him to be likely to be a person for whose benefit that business would be carried on is a fit and proper person to benefit from it.
- [<sup>F12</sup>(6) A licence under this section shall include a condition requiring the licensee to pay into the National Lottery Distribution Fund sums out of the proceeds of lotteries forming part of the National Lottery.
- (6A) A licence under this section shall include provision for determining—
- the amount of payments under subsection (6), and
  - the timing of payments under subsection (6).]

(7) A licence under this section may include a condition requiring the licensee to make such arrangements as may be determined by or under the licence for securing that, in circumstances specified in the licence, such sums as may be so determined are paid to the Director General for distribution to participants in lotteries forming part of the National Lottery.

#### Textual Amendments

- F8** Word in s. 5 heading substituted (1.10.2006) by [National Lottery Act 2006 \(c. 23\), ss. 3\(b\), 22\(1\); S.I. 2006/2630, art. 2\(a\)](#)
- F9** Word in s. 5(1) substituted (1.10.2006) by [National Lottery Act 2006 \(c. 23\), ss. 3\(b\), 22\(1\); S.I. 2006/2630, art. 2\(a\)](#)
- F10** Word in s. 5(2) substituted (1.10.2006) by [National Lottery Act 2006 \(c. 23\), ss. 3\(b\), 22\(1\); S.I. 2006/2630, art. 2\(a\)](#)
- F11** Words in s. 5(4) substituted (1.10.2006) by [National Lottery Act 2006 \(c. 23\), ss. 3\(b\), 22\(1\); S.I. 2006/2630, art. 2\(a\)](#)
- F12** S. 5(6)(6A) substituted for s. 5(6) (8.4.2005) by [Horserace Betting and Olympic Lottery Act 2004 \(c. 25\), s. 34\(3\)\(4\), 40; S.I. 2005/1134, art. 2](#)

## 6 Licensing of [<sup>F13</sup>persons] to promote lotteries.

- (1) The Director General may by licence authorise a [<sup>F14</sup>person] to promote lotteries as part of the National Lottery.
- (2) A licence under this section shall specify the lotteries, or descriptions of lottery, the promotion of which it authorises.

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- (3) The Director General shall not grant such a licence unless an application in writing, containing such information as he has specified as necessary for enabling him to determine whether to grant it, has been made to him.
- (4) The Director General shall not grant such a licence unless he is satisfied that the applicant is a fit and proper <sup>F15</sup>person] to promote lotteries under the licence.
- (5) In determining whether to grant such a licence, the Director General may consider—
  - (a) whether any person who appears to him to be likely to manage the business or any part of the business of promoting lotteries under the licence is a fit and proper person to do so, and
  - (b) whether any person who appears to him to be likely to be a person for whose benefit that business would be carried on is a fit and proper person to benefit from it.
- (6) A licence under this section may include a condition requiring the licensee to obtain the Director General's approval of the rules of any lottery before the lottery is promoted under the licence.

#### Textual Amendments

- F13** Word in s. 6 heading substituted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 3(c)**, 22(1); S.I. 2006/2630, art. 2(a)
- F14** Word in s. 6(1) substituted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 3(c)**, 22(1); S.I. 2006/2630, art. 2(a)
- F15** Word in s. 6(4) substituted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 3(c)**, 22(1); S.I. 2006/2630, art. 2(a)

## 7 Licences under sections 5 and 6: further provisions.

- (1) A licence granted under section 5 or 6 shall be in writing and shall specify the period for which (subject to being revoked or suspended) it is to have effect.
- <sup>F16</sup>(1A) The period specified under subsection (1) must—
  - (a) begin with the date of grant of the licence, and
  - (b) not exceed 15 years.
- (1B) A licence granted under section 5 or 6 may (subject to the restriction in subsection (1A)) include—
  - (a) provision enabling the period specified under subsection (1) to be extended by the Commission;
  - (b) provision enabling the period specified under subsection (1) to be extended by agreement between the Commission and the licensee.]
- (2) <sup>F17</sup>A licence granted under section 5 or 6] may include such conditions (in addition to those required or authorised by section 5 or 6) as the Director General considers appropriate and in particular may include conditions requiring the licensee—
  - (a) to obtain the consent of the Director General before doing anything specified, or of a description specified, in the licence;
  - (b) to refer matters to the Director General for approval;
  - (c) to ensure that such requirements as the Director General may from time to time determine or approve are complied with;

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- (d) to provide the Director General at times specified by him with such information as he may require (including, if the information is of a description specified in the licence, information for publication by him);
  - (e) to allow the Director General to inspect and take copies of any documents of the licensee, including any information kept by the licensee otherwise than in writing, relating to the National Lottery or a lottery forming part of it;
  - (f) where such information is kept by means of a computer, to give the Director General such assistance as he may require to enable him to inspect and take copies of the information in a visible and legible form or to inspect and check the operation of any computer, and any associated apparatus or material, that is or has been in use in connection with the keeping of the information;
  - (g) to do such things (and, in particular, to effect such transfers of property or rights) as the Director General may require in connection with the licence ceasing to have effect and the grant of a licence to another [<sup>F18</sup>person] .
- (3) In subsection (2)(e) and (f) “the Director General” includes any representative of the Director General, as well as any member of his staff, who has been authorised by him (whether generally or specially) to make such an inspection.
- (4) Conditions in a licence granted under section 5 or 6 may impose requirements to be complied with by the licensee after the licence has ceased to have effect.

<sup>F19</sup>(5) .....

<sup>F20</sup>(6) .....

#### Textual Amendments

- F16** S. 7(1A)(1B) inserted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 4(1)**, 22(1); S.I. 2006/2630, **art. 2(a)**
- F17** Word in s. 7(2) substituted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 4(2)**, 22(1); S.I. 2006/2630, **art. 2(a)**
- F18** Word in s. 7(2)(g) substituted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 3(d)**, 22(1); S.I. 2006/2630, **art. 2(a)**
- F19** S. 7(5) repealed (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 5(2)**, 22(1), **Sch. 3**; S.I. 2006/3201, **art. 2(e)**
- F20** S. 7(6) repealed (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 5(2)**, 22(1), **Sch. 3**; S.I. 2006/3201, **art. 2(e)**

## 8 Variation of conditions in licences.

- (1) The Director General may vary any condition in a licence granted under section 5 or 6 if the licensee consents.
- (2) Subject to subsection (3), the Director General may vary any condition in such a licence without the licensee’s consent if the licensee has been given a reasonable opportunity of making representations to the Director General about the variation.
- (3) Subsection (2) does not apply—
- (a) where the variation would result in a condition requiring the licensee to transfer any property or rights, or
  - (b) in the case of a licence granted under section 5, in relation to a condition that the licence provides may only be varied with the consent of the licensee.



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- (4) Where the Director General varies a condition in a licence under subsection (2)—
  - (a) he shall serve a notice on the licensee informing the licensee of the variation, and
  - (b) the variation shall take effect at the end of such period as may be specified in the notice.
- (5) The period specified in the notice shall be a period of at least twenty-one days beginning with the date of the notice.
- (6) The Director General’s power to vary a condition in a licence under subsection (1) or (2) includes power to add a condition to the licence or omit a condition from it (and references in this section to the variation of a condition are to be read accordingly).

## 9 Enforcement of conditions in licences.

- (1) If, on an application made by the Director General, the court is satisfied—
  - (a) that there is a reasonable likelihood that a person will contravene a condition in a licence granted under section 5 or 6,
  - (b) that a person has contravened such a condition and there is a reasonable likelihood that the contravention will continue or be repeated, or
  - (c) that a person has contravened such a condition and there are steps that could be taken for remedying the contravention,

the court may grant an injunction restraining the contravention or, in Scotland, an interdict prohibiting the contravention or (as the case may be) make an order requiring the licensee, and any other person who appears to the court to have been party to the contravention, to take such steps as the court may direct to remedy it.

- (2) In subsection (1) “the court” means the High Court or, in Scotland, the Court of Session.

[<sup>F21</sup>(3) Where a sum is due to be paid to the National Lottery Distribution Fund by virtue of section 5(6)—

- (a) the sum shall be recoverable by the Secretary of State as a debt due to the Fund, and
- (b) the licensee’s liability to pay shall not be affected by his licence ceasing to have effect.]

### Textual Amendments

**F21** S. 9(3) substituted (8.4.2005) by [Horserace Betting and Olympic Lottery Act 2004 \(c. 25\), ss. 34\(5\), 40; S.I. 2005/1134, art. 2](#)

## 10 Revocation of licences.

- (1) The Director General shall revoke a licence granted under section 5 if he is satisfied that the licensee no longer is, or never was, a fit and proper [<sup>F22</sup>person] to run the National Lottery.
- (2) The Director General shall revoke a licence granted under section 6 if he is satisfied that the licensee no longer is, or never was, a fit and proper [<sup>F23</sup>person] to promote lotteries under the licence.



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- (3) The Director General may revoke a licence granted under section 5 or 6—
  - (a) if it appears to him that any of the grounds for revocation set out in Part I of Schedule 3 applies, or
  - (b) if the licensee consents.
- (4) Part II of Schedule 3 shall have effect in relation to the revocation of a licence under this section, other than a revocation with the licensee's consent.

#### Textual Amendments

- F22** Word in s. 10(1) substituted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), [ss. 3\(e\)](#), 22(1); [S.I. 2006/2630](#), [art. 2\(a\)](#)
- F23** Word in s. 10(2) substituted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), [ss. 3\(e\)](#), 22(1); [S.I. 2006/2630](#), [art. 2\(a\)](#)

#### [<sup>F24</sup>10A Financial penalties for breach of conditions in licences.

- (1) If the Director General is satisfied that a person has contravened a condition in a licence under section 5 or 6, he may impose a financial penalty on that person in respect of the contravention.
- (2) The matters to which the Director General may have regard in imposing a financial penalty include the desirability of both—
  - (a) deterring persons from contravening conditions in licences under section 5 or 6, and
  - (b) recovering any diminution in the sums paid to the Secretary of State under section 5(6) which is attributable to the contravention.
- (3) If the Director General proposes to impose a financial penalty on a person, he shall serve on that person a notice—
  - (a) stating that the person has contravened conditions in the licence,
  - (b) identifying the contraventions in question,
  - (c) stating that the Director General proposes to impose a financial penalty,
  - (d) specifying the amount of the financial penalty,
  - (e) stating the Director General's reasons—
    - (i) for the imposition of a financial penalty, and
    - (ii) for the amount of the financial penalty,
  - (f) stating the person to whom the financial penalty is to be paid and the manner in which, and place at which, payment may be made, and
  - (g) stating the effect of subsections (5) and (12).
- (4) A notice under subsection (3) must state that the person may, within the period of 21 days beginning with the date of the notice, either—
  - (a) make written representations about the matter to the Director General, or
  - (b) notify the Director General in writing of the person's intention to make oral representations,
 and that the right of appeal conferred by section 10B is dependent on the person having made such written or oral representations.

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- (5) If, within the period mentioned in subsection (4), the Director General receives neither—
  - (a) written representations, nor
  - (b) written notification of the person's intention to make oral representations,the financial penalty shall become payable at the end of that period.
- (6) The Secretary of State may make regulations as to the procedure to be followed where a person's intention to make oral representations is notified to the Director General as mentioned in subsection (4).
- (7) The regulations may in particular make provision—
  - (a) for the financial penalty to become payable if the person fails to comply with any requirements imposed by or under the regulations, and
  - (b) as to the hearing by the Director General of oral representations.
- (8) If—
  - (a) any written representations against the imposition of the financial penalty are made as mentioned in subsection (4), or
  - (b) any oral representations against the imposition of the financial penalty are made in accordance with regulations under subsection (6),subsection (9) shall apply.
- (9) Where this subsection applies, the Director General shall after taking the representations into account—
  - (a) decide whether or not to impose a financial penalty, and
  - (b) serve a further notice on the person informing the person of the decision.
- (10) Where the decision is to impose a financial penalty, the further notice must—
  - (a) identify the contraventions in question,
  - (b) specify the amount of the financial penalty imposed,
  - (c) state the Director General's reasons—
    - (i) for the imposition of a financial penalty, and
    - (ii) for the amount of the financial penalty,
  - (d) state the person to whom the financial penalty is to be paid and the manner in which, and place at which, payment may be made, and
  - (e) state the effect of subsections (11) and (12).
- (11) A financial penalty imposed by virtue of a decision under subsection (9) becomes payable on the date of the further notice.
- (12) A person on whom a financial penalty is imposed is required to pay the penalty within the period of fourteen days beginning with the date on which the financial penalty becomes payable.
- (13) If the whole or any part of a financial penalty is not paid within the period mentioned in subsection (12), then as from the end of that period the unpaid balance from time to time shall carry interest at the rate for the time being specified in section 17 of the <sup>M1</sup>Judgments Act 1838.
- [<sup>F25</sup>(14) Where under this section one person ("the debtor") becomes liable to pay a penalty to another person ("the creditor")—

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- (a) the penalty and any interest accrued under subsection (13) shall be recoverable by the Secretary of State from the debtor as a debt due to the creditor, and
- (b) the debtor's liability to pay shall not be affected by his licence ceasing to have effect.

(15) A penalty under this section may be payable partly to the National Lottery Distribution Fund and partly to the Olympic Lottery Distribution Fund.]]

#### Textual Amendments

**F24** S. 10A inserted (2.9.1998) by 1998 c. 22, ss. 2(1)(5), 27(5).

**F25** S. 10A(14)(15) substituted for s. 10A(14) (8.7.2005) by Horserace Betting and Olympic Lottery Act 2004 (c. 25), ss. 34(6), 40; S.I. 2005/1831, art. 2

#### Marginal Citations

**M1** 1838 c. 110.

### [<sup>F26</sup>10B Appeals against financial penalties.

- (1) Where the Director General decides under subsection (9) of section 10A to impose a financial penalty on a person, the person may appeal against the decision on the grounds specified in subsection (2) or, as the case may be, subsection (3).
- (2) To the extent that an appeal under this section is against a finding by the Director General that a person contravened a condition of a licence, the grounds for the appeal are—
  - (a) that the Director General made an error as to the facts,
  - (b) that there was a material procedural error, or
  - (c) that the Director General made some other error of law.
- (3) To the extent that an appeal under this section is against the amount of a financial penalty, the grounds for the appeal are—
  - (a) that the amount of the penalty is unreasonable,
  - (b) that there was a material procedural error, or
  - (c) that the decision was based on a manifest material misapprehension as to the facts.
- (4) Where on an appeal under this section a court reduces the amount of a financial penalty, the powers of the court shall include power to make such orders as to interest on the penalty as the court considers just and equitable in all the circumstances of the case.
- (5) The power conferred by subsection (4) includes power to make orders as to—
  - (a) the rates of interest which are to apply, and
  - (b) the date from which interest is to run.
- (6) An appeal under this section lies to the High Court or, in Scotland, to the Court of Session.
- (7) Any appeal under this section to the Court of Session shall be heard in the Outer House.]

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#### Textual Amendments

**F26** S. 10B inserted (2.9.1998) by 1998 c. 22, ss. 3, 27(5).

### [<sup>F27</sup>10C Annual levy

- (1) The Secretary of State may make regulations requiring holders of licences under section 5 or 6 to pay an annual levy to the Gambling Commission.
- (2) The regulations shall, in particular, make provision for—
  - (a) timing of payment of the levy, and
  - (b) the amount of the levy.
- (3) The regulations may, in particular, make provision—
  - (a) determining the amount of the levy by reference to a percentage of specified receipts of the holder of a licence under section 5 or 6,
  - (b) determining the amount of the levy by reference to a percentage of specified profits of the holder of a licence under section 5 or 6,
  - (c) providing for the determination of the amount of the levy according to a specified formula, or
  - (d) providing for the determination of the amount of the levy in some other way.
- (4) Any sum due by way of levy by virtue of this section shall be treated for the purposes of this Act as if its payment were a condition of the licence under section 5 or 6.
- (5) The Gambling Commission shall, with the consent of the Treasury and of the Secretary of State, expend money received by way of levy for purposes related to, or by providing financial assistance for projects related to—
  - (a) addiction to gambling,
  - (b) other forms of harm or exploitation associated with gambling, or
  - (c) any of the licensing objectives for the purposes of the Gambling Act 2005.
- (6) In subsection (5) the reference to financial assistance is a reference to grants, loans and any other form of financial assistance, which may be made or given on terms or conditions (which may include terms and conditions as to repayment with or without interest).
- (7) The Secretary of State may make regulations under this section only if—
  - (a) he has made regulations under the Gambling Act 2005 requiring holders of operating licences to pay an annual levy to the Gambling Commission, and
  - (b) he has consulted the National Lottery Commission.
- (8) The Gambling Commission shall consult the National Lottery Commission before incurring expenditure under subsection (5).]

#### Textual Amendments

**F27** S. 10C inserted (E.W.S.) (1.9.2007) by Gambling Act 2005 (c. 19), s. 358(1), Sch. 3 para. 1 (with ss. 352, 354); S.I. 2006/3272, art. 2(4)(5), Sch. 3B (with arts. 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

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### *Control by the Secretary of State*

## **11 Directions to the Director General.**

- (1) The Director General shall in exercising his functions under [F28]sections 5 to 10A] comply with any directions that he may be given by the Secretary of State.
- (2) Such directions may deal in particular—
  - (a) with the matters that the Director General should take into account in deciding whether or not to grant licences;
  - (b) with the conditions that licences should contain.

#### **Textual Amendments**

**F28** Words in s. 11(1) substituted (2.9.1998) by 1998 c. 22, ss. 2(2), 27(5).

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

- C4** S. 11 modified (8.4.2005) by [Horserace Betting and Olympic Lottery Act 2004 \(c. 25\), ss. 34\(7\), 40; S.I. 2005/1134, art. 2](#)
- C5** S. 11 functions made partly exercisable concurrently (22.8.2007) by [The Transfer of Functions \(Olympics and Paralympics\) Order 2007 \(S.I. 2007/2129\), arts. 1\(2\), 3\(1\)\(2\)\(a\)\(ii\)](#) (with art. 4)

## **12 Regulations as to the promotion of lotteries.**

- (1) The Secretary of State may by regulations make such provision in relation to the promotion of lotteries that form part of the National Lottery as he considers necessary or expedient.
- (2) Such regulations may in particular impose requirements or restrictions as to—
  - (a) the minimum age of persons to whom or by whom tickets or chances may be sold;
  - (b) the places, circumstances or manner in which tickets or chances may be sold or persons may be invited to buy them;
  - (c) the information that must appear in an advertisement for a lottery;
  - (d) the places, circumstances or manner in which signs relating to a lottery may be displayed.
- (3) In subsection (2) “tickets” includes any document providing evidence of a person’s claim to participate in the chances of a lottery.
- (4) Regulations under this section may make different provision for different areas.

## **13 Contravention of regulations an offence.**

- (1) If any requirement or restriction imposed by regulations made under section 12 is contravened in relation to the promotion of a lottery that forms part of the National Lottery—
  - (a) the promoter of the lottery shall be guilty of an offence, except if the contravention occurred without the consent or connivance of the promoter and the promoter exercised all due diligence to prevent such a contravention,

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- (b) any director, manager, secretary or other similar officer of the promoter, or any person purporting to act in such a capacity, shall be guilty of an offence if he consented to or connived at the contravention or if the contravention was attributable to any neglect on his part, and
  - (c) any other person who was party to the contravention shall be guilty of an offence.
- (2) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both.
- (3) Summary proceedings in Scotland for an offence under this section may be commenced within a period of six months from the date on which evidence sufficient in the opinion of the procurator fiscal to warrant proceedings came to his knowledge; but no proceedings in Scotland shall be commenced by virtue of this section more than three years after the commission of the offence.
- (4) For the purposes of this section, a certificate signed by or on behalf of the procurator fiscal and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed shall be taken to be so signed unless the contrary is proved.

#### *Provision of information by the Director General*

### 14 Annual report.

- (1) As soon as possible after the end of every financial year, the Director General shall make a report on the exercise of his functions during that year to the Secretary of State.
- (2) In subsection (1) “financial year” means—
- <sup>F29</sup>(a) . . . . .
  - <sup>F30</sup>[(aa) the period beginning with the date on which section 3A comes into force and ending with the next 31st March, and]
  - (b) each successive period of twelve months ending with 31st March.
- (3) The Secretary of State shall lay a copy of every report received by him under this section before Parliament.
- [<sup>F31</sup>(4) Where a report is made by the National Lottery Commission under sub-section (1) to the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998), the Scottish Ministers shall lay a copy of the report before the Scottish Parliament.]

#### Textual Amendments

- F29** S. 14(2)(a) repealed (1.4.1999) by 1998 c. 22, ss. 1(5), 26, Sch. 1 Pt. I para. 6(5) Pt. III para. 13(a), Sch. 5 Pt. I; S.I. 1999/650, art. 2
- F30** S. 14(2)(aa) inserted (1.4.1999) by 1998 c. 22, s. 1(5), Sch. 1 Pt. I para. 6(5) Pt. III para. 13(b); S.I. 1999/650, art. 2
- F31** S. 14(4) inserted (1.7.1999) by S.I. 1999/1750, arts. 1(1), 6(1), Sch. 5 para. 12(2); S.I. 1999/1378, art. 3

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

- C6** S. 14: functions transferred (1.4.1999) by 1998 c. 22, s. 1(5), **Sch. 1 Pt. I para. 6(1)(b)**; S.I. 1999/650, **art. 2**.  
 S. 14: certain functions made exercisable by the Scottish Ministers concurrently with the Minister concerned (1.7.1999) by S.I. 1999/1750, arts. 1(1), 3, **Sch. 2** (with art. 7); S.I. 1998/3178, **art. 3**  
 S. 14 amended (30.6.1999) by S.I. 1999/1756, arts. 1(1), 2, **Sch. para. 15(1)**; S.I. 1998/3178, **art. 3**
- C7** S. 14(3) modified (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

### **15 Power of the Secretary of State to require information.**

The Director General shall provide the Secretary of State with such information relating to the National Lottery or a lottery forming part of it as the Secretary of State may direct.

*Miscellaneous and supplementary*

### **16 False representations as to the National Lottery.**

- (1) If a person advertising, or offering the opportunity to participate in, a lottery, competition or game of another description gives, by whatever means, a false indication that it is a lottery forming part of, or is otherwise connected with, the National Lottery, he shall be guilty of an offence.
- (2) A person guilty of an offence under this section shall be liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both.

### **17 Extension of powers of Horserace Totalisator Board.**

- (1) The Horserace Totalisator Board may hold a licence under section 5 or 6.
- (2) The Horserace Totalisator Board may hold an interest in a body corporate the only or principal object of which is the holding of a licence under section 5 or 6.
- (3) In subsection (2) the reference to holding an interest in a body corporate is to holding, or being beneficially entitled to, shares in that body or to possessing voting power in that body.

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

- C8** S. 17(2) modified (1.12.2006) by National Lottery Act 2006 (c. 23), **ss. 18(2)**, 22(1); S.I. 2006/3201, **art. 2(d)**

### **18 Control of betting on the National Lottery.**

- <sup>F32</sup>(1) .....
- <sup>F32</sup>(2) .....
- <sup>F32</sup>(3) .....



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- <sup>F32</sup>(4) . . . . .
- (5) The <sup>M2</sup>Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 shall be amended in accordance with subsections (6) to (8).
- (6) In Article 8(4) (grounds on which an application for a bookmaker’s licence must be refused) in sub-paragraph (d) after “(e)” there shall be inserted “ or in Article 17(2) (d) ”.
- (7) In Article 17 (renewal of bookmaker’s licence by a court)—
- (a) after paragraph (2)(c) there shall be inserted—
- “; and
- (d) that neither the applicant nor any employee of his has, since the licence was granted, received or negotiated a bet on the outcome of any lottery forming part of the National Lottery for the purposes of Part I of the National Lottery etc. Act 1993.”; and
- (b) after paragraph (2) there shall be inserted—
- “(2A) For the purposes of paragraph (2)(d), the court shall disregard any bet which ought properly to have been raised by way of objection on a previous occasion when the licence was renewed.”
- (8) In Article 27(1) (grounds on which bookmaker’s licence may be revoked) after paragraph (e) there shall be inserted—
- “; or
- (f) that the licensed bookmaker or an employee of his has, since the licence was granted, received or negotiated a bet on the outcome of any lottery forming part of the National Lottery for the purposes of Part I of the National Lottery etc. Act 1993.”

#### Textual Amendments

**F32** S. 18(1)-(4) repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), [Sch. 17](#) (with [ss. 352, 354](#)); [S.I. 2006/3272](#), art. 2(4)(5), [Sch. 3B](#) (with [arts. 7-12](#), [Sch. 4](#)) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, Sch.)

#### Marginal Citations

**M2** [S.I. 1985/1204 \(N.I. 11\)](#).

## 19 Restriction of enactments relating to the rehabilitation of offenders.

- (1) Neither section 4(1) of the <sup>M3</sup>Rehabilitation of Offenders Act 1974 nor Article 5(1) of the <sup>M4</sup>Rehabilitation of Offenders (Northern Ireland) Order 1978 (exclusion of evidence and questions relating to an individual’s previous convictions) shall apply in relation to any proceedings—
- (a) before the Director General in respect of the grant or revocation of a licence, or
- (b) by way of appeal to the Secretary of State against the revocation of a licence by the Director General.

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- (2) A conviction shall not be regarded as spent for the purposes of section 4(2) of that Act or Article 5(2) of that Order (restrictions in respect of such questions put otherwise than in proceedings) if the question is put by the Director General and the following conditions are satisfied.
- (3) The question must be put for the purpose of determining whether to grant or revoke a licence.
- (4) The question must relate to an individual—
  - (a) who manages the business or any part of the business carried on under the licence (or who is likely to do so if the licence is granted), or
  - (b) for whose benefit that business is carried on (or is likely to be carried on if the licence is granted).
- (5) When the question is asked, the person questioned must be informed that by virtue of this section all the individual's previous convictions are to be disclosed.

#### Marginal Citations

**M3** 1974 c. 53.

**M4** S.I. 1978/1908 (N.I. 27).

## 20 Interpretation of Part I.

In this Part—

[<sup>F33</sup>“the Commission” means the National Lottery Commission;]

“contravention”, in relation to a condition or requirement, includes a failure to comply with that condition or requirement (and “contravened” is to be read accordingly);

[<sup>F34</sup>“lottery” has the same meaning as in the Gambling Act 2005;]

[<sup>F35</sup> . . .

“participant”, in relation to a lottery, means a person who has bought a ticket or chance in the lottery;

“promote” includes conduct (and “promotion” is to be read accordingly);

and any reference to a lottery forming part of the National Lottery is to be read in accordance with section 1.

#### Textual Amendments

**F33** Definition inserted (1.4.1999) by 1998 c. 22, s. 1(5), **Sch. 1 Pt. III para. 14(a)**; S.I. 1999/650, **art. 2**.

**F34** Words in s. 20 inserted (E.W.S.) (1.9.2007) by **Gambling Act 2005 (c. 19)**, s. 358(1), **Sch. 3 para. 3** (with ss. 352, 354); S.I. 2006/3272, **art. 2(4)(5)**, **Sch. 3B** (with arts. 7-12, **Sch. 4**) (as inserted by S.I. 2007/2169, arts. 3, 6, **Sch.**)

**F35** Definition repealed (1.4.1999) by 1998 c. 22, ss. 1(5), 26, **Sch. 1 Pt. III para. 14(b)**, **Sch. 5 Pt. I**; S.I. 1999/650, **art. 2**.

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## PART II

### DISTRIBUTION OF THE NET PROCEEDS OF THE NATIONAL LOTTERY

#### *The distribution system*

#### 21 The National Lottery Distribution Fund.

- (1) There shall be a fund maintained under the control and management of the Secretary of State and known as the National Lottery Distribution Fund.

<sup>F36</sup>(2) .....

#### Textual Amendments

**F36** S. 21(2) repealed (8.4.2005) by [Horserace Betting and Olympic Lottery Act 2004 \(c. 25\)](#), ss. 34(8), 40, [Sch. 6](#); [S.I. 2005/1134](#), art. 2

#### 22 Apportionment of money in Distribution Fund.

- (1) Every sum that is paid into the Distribution Fund [<sup>F37</sup>by virtue of section 5(6) or 10A] shall be apportioned as follows.

- (2) So much of the sum as the Secretary of State considers appropriate shall be allocated for making payments under section 31 and held in the Distribution Fund for that purpose.

- (3) Of the balance—

- (a) [<sup>F38</sup>162/3 per cent.] shall be allocated for expenditure on or connected with the arts,
- (b) [<sup>F38</sup>162/3 per cent.] shall be allocated for expenditure on or connected with sport,
- (c) [<sup>F38</sup>162/3 per cent.] shall be allocated for expenditure on or connected with the national heritage, [<sup>F39</sup>and]

- [<sup>F40</sup>(d) 50 per cent. shall be allocated for prescribed expenditure that is—

- (i) charitable, or
- (ii) connected with health, or
- (iii) connected with education, or
- (iv) connected with the environment.]

- <sup>F41</sup>(e) .....

[<sup>F42</sup>(including, in each case, for establishing or contributing to endowments in connection with such expenditure).]

- [<sup>F43</sup>(3A) In subsection (3)(d) “prescribed expenditure” means expenditure of a description prescribed by order of the Secretary of State.

- (3B) A description of expenditure under subsection (3A) may, in particular, refer to expenditure in relation to—

- (a) England,
- (b) Wales,
- (c) Scotland,

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- (d) Northern Ireland,
- (e) any of the Channel Islands, or
- (f) the Isle of Man;

and expenditure described by virtue of this subsection is referred to in this Act as “devolved expenditure”.

(3C) Before making an order under subsection (3A) the Secretary of State shall consult—

- (a) the Big Lottery Fund,
- (b) the National Assembly for Wales,
- (c) the Scottish Ministers,
- (d) the Northern Ireland Department of Culture, Arts and Leisure, and
- (e) such other persons (if any) as he thinks appropriate.]

[<sup>F44</sup>(4) This section has effect subject to section 19 of the National Lottery Act 1998 [<sup>F45</sup>and to section 25 of the Horserace Betting and Olympic Lottery Act 2004.]]

#### Textual Amendments

- F37** Words in s. 22(1) substituted (8.4.2005) by [Horserace Betting and Olympic Lottery Act 2004 \(c. 25\), ss. 34\(9\)\(a\), 40; S.I. 2005/1134, art. 2](#)
- F38** Words in s. 22(3)(a)-(d) substituted (17.5.1999) by [S.I. 1999/344, art. 3\(1\)-\(5\)](#)
- F39** Word in s. 22(3)(c) added (1.12.2006) by [National Lottery Act 2006 \(c. 23\), ss. 7\(2\)\(a\), 22\(1\); S.I. 2006/3201, art. 2\(a\)](#)
- F40** S. 22(3)(d) substituted for s. 22(3)(d)(f) (1.12.2006) by [National Lottery Act 2006 \(c. 23\), ss. 7\(2\)\(b\), 22\(1\); S.I. 2006/3201, art. 2\(a\)](#)
- F41** S. 22(3)(e) repealed (8.4.2005) by [Horserace Betting and Olympic Lottery Act 2004 \(c. 25\), ss. 34\(9\)\(b\), 40, Sch. 6; S.I. 2005/1134, art. 2](#)
- F42** Words in s. 22(3) inserted (retrospectively) by [National Lottery \(Funding of Endowments\) Act 2003 \(c. 23\), s. 1\(2\)\(9\)](#)
- F43** S. 22(3A)-(3C) inserted (1.12.2006 for specified purposes) by [National Lottery Act 2006 \(c. 23\), ss. 7\(3\), 22\(1\); S.I. 2006/3201, art. 2\(a\)](#)
- F44** S. 22(4) inserted (2.7.1998) by [1998 c. 22, ss. 19\(7\), 27\(4\)](#).
- F45** Words in s. 22(4) added (8.7.2005) by [Horserace Betting and Olympic Lottery Act 2004 \(c. 25\), ss. 34\(9\)\(c\), 40; S.I. 2005/1831, art. 2](#)

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

- C9** S. 22(3)(d) modified (1.12.2006) by [National Lottery Act 2006 \(c. 23\), ss. 18\(1\)\(a\), 22\(1\); S.I. 2006/3201, art. 2\(d\)](#)

## 23 The distributing bodies.

(1) So much of any sum paid into the Distribution Fund as is allocated for expenditure on or connected with the arts shall be held in the Distribution Fund—

- <sup>F46</sup>[(a) as to [<sup>F47</sup>69.78 per cent]., for distribution by the Arts Council of England,
- (b) as to [<sup>F48</sup>7.74 per cent.], for distribution by the Scottish Arts Council,
- (c) as to 5 per cent., for distribution by the Arts Council of Wales, <sup>F49</sup>. . .
- (d) as to 2.8 per cent., for distribution by [<sup>F50</sup>the Arts Council of Northern Ireland]<sup>F51</sup>[<sup>F52</sup>. . .
- (e) as to [<sup>F53</sup>13.52 per cent]., for distribution by the [<sup>F54</sup>UK Film Council]]<sup>F55</sup>, and
- (f) as to 1.16 per cent, for distribution by Scottish Screen.]]

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- (2) So much of any sum paid into the Distribution Fund as is allocated for expenditure on or connected with sport shall be held in the Distribution Fund—
- (a) as to [<sup>F56</sup>62 per cent], for distribution by [<sup>F57</sup>the English Sports Council],
  - (b) as to [<sup>F58</sup>8.1 per cent.], for distribution by the Scottish Sports Council,
  - (c) as to [<sup>F59</sup>4.5 per cent.], for distribution by the Sports Council for Wales, and
  - (d) as to [<sup>F60</sup>2.6 per cent.], for distribution by the Sports Council for Northern Ireland<sup>F61</sup> and
  - (e) as to [<sup>F62</sup>22.8” per cent]., for distribution by the United Kingdom Sports Council.]
- (3) So much of any sum paid into the Distribution Fund as is allocated for expenditure on or connected with the national heritage shall be held in the Distribution Fund for distribution by the Trustees of the National Heritage Memorial Fund.
- [<sup>F63</sup>(4) So much of any sum paid into the Distribution Fund as is allocated under section 22(3) (d) shall be held by the Distribution Fund for distribution by the Big Lottery Fund (established under section 36A).]

#### Textual Amendments

- F46** S. 23(1)(a)-(d) substituted (13.6.1994) by [S.I. 1994/1342, art. 2.](#)
- F47** Words in s. 23(1)(a) substituted (1.4.2007) by [The National Lottery etc. Act 1993 \(Amendment of Section 23\) Order 2007 \(S.I. 2007/743\), arts. 1, 2\(2\)](#)
- F48** Words in s. 23(1)(b) substituted (7.4.2000) by [S.S.I. 2000/78, art. 2](#)
- F49** Word in s. 23(1)(c) omitted (1.10.1999) by [S.I. 1999/2090, art. 2\(1\)\(3\)](#)
- F50** Words in s. 23(1) substituted (1.9.1995) by [S.I. 1995/2088, art. 2.](#)
- F51** Word in s. 23(1)(d) omitted (7.4.2000) by [S.S.I. 2000/78, art. 2](#)
- F52** S. 23(1)(e) and preceding word inserted (1.10.1999) by [S.I. 1999/2090, art. 2\(1\)\(3\)](#)
- F53** Words in s. 23(1)(e) substituted (1.4.2007) by [The National Lottery etc. Act 1993 \(Amendment of Section 23\) Order 2007 \(S.I. 2007/743\), arts. 1, 2\(3\)\(a\)](#)
- F54** Words in s. 23(1)(e) substituted (1.4.2007) by [The National Lottery etc. Act 1993 \(Amendment of Section 23\) Order 2007 \(S.I. 2007/743\), arts. 1, 2\(3\)\(b\)](#)
- F55** S. 23(1)(f) and preceding word inserted (7.4.2000) by [S.S.I. 2000/78, art. 2](#)
- F56** Words in s. 23(2)(a) substituted (1.4.2006) by [The National Lottery etc. Act 1993 \(Amendment of Section 23\) Order 2006 \(S.I. 2006/654\), arts. 1, 2\(2\)](#)
- F57** Words in s. 23(2)(a) substituted (1.1.1997) by [S.I. 1996/3095, art. 2.](#)
- F58** Words in s. 23(2)(b) substituted (1.7.1999) by [S.I. 1999/1563, art. 2\(1\)\(3\)](#)
- F59** Words in s. 23(2)(c) substituted (1.7.1999) by [S.I. 1999/1563, art. 2\(1\)\(4\)](#)
- F60** Words in s. 23(2)(d) substituted (1.7.1999) by [S.I. 1999/1563, art. 2\(1\)\(5\)](#)
- F61** S. 23(2)(e) and the preceding “and” inserted (1.7.1999) by [S.I. 1999/1563, art. 2\(6\)](#)
- F62** Words in s. 23(2)(e) substituted (1.4.2006) by [The National Lottery etc. Act 1993 \(Amendment of Section 23\) Order 2006 \(S.I. 2006/654\), arts. 1, 2\(3\)](#)
- F63** S. 23(4) substituted for s. 23(4)-(6) (1.12.2006) by [National Lottery Act 2006 \(c. 23\), ss. 15\(1\), 22\(1\); S.I. 2006/3201, art. 2\(c\)](#)

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

- C10** S. 23(2) power to apply (with modifications) conferred (8.4.2005) by [Horserace Betting and Olympic Lottery Act 2004 \(c. 25\), ss. 28\(4\), 40; S.I. 2005/1134, art. 2](#)
- C11** S. 23(2) power to apply (with modifications) conferred (8.7.2005) by [Horserace Betting and Olympic Lottery Act 2004 \(c. 25\), ss. 32\(4\), 40; S.I. 2005/1831, art. 2](#)

*Status: Point in time view as at 01/09/2007.**Changes to legislation: National Lottery etc. Act 1993 is up to date with all changes known to be in force on or before 19 June 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)*

- C12** S. 23(2) power to apply (with modifications) conferred (8.7.2005) by [Horserace Betting and Olympic Lottery Act 2004 \(c. 25\)](#), **ss. 26(5)**, 40; S.I. 2005/1831, art. 2

## **24 Payments from Distribution Fund to distributing bodies.**

At such times as the Secretary of State thinks appropriate, payments of such amounts as he thinks appropriate may be made to a body specified in section 23 [<sup>F64</sup>or in an order under section 29A] out of so much of any money in the Distribution Fund as is held for distribution by that body.

### **Textual Amendments**

- F64** Words in s. 24 inserted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 8(2)**, 22(1); S.I. 2006/2630, art. 2(b)

## **25 Application of money by distributing bodies.**

- (1) Subject to the provisions of this Part, a body shall distribute any money paid to it under section 24 for meeting expenditure of the relevant description mentioned in section 22(3).
- <sup>F65</sup>[(1A) The manner in which a body may distribute any money paid to it under section 24 includes making or entering into arrangements for or in connection with meeting expenditure (including arrangements with respect to vouchers); and this subsection shall apply notwithstanding anything to the contrary in any enactment or instrument relating to the functions of the body.]
- (2) A body shall not under subsection (1) distribute money for any purpose or in any manner if it does not have power to distribute money for that purpose or in that manner apart from subsection (1).
- <sup>F66</sup>[(2A) A body which distributes money under subsection (1) shall have power to solicit applications from other bodies or persons for any of the money which the body so distributes, notwithstanding anything to the contrary in any enactment or instrument relating to the functions of the body.
- (2B) In determining whether a decision of a body concerning its distribution of money under subsection (1) was unlawful, it shall be immaterial whether or not the body, or any person acting on behalf of the body, solicited an application from a body or person for such money.]
- <sup>F67</sup>[(2C) In determining how to distribute money in accordance with subsection (1) a body may—
  - (a) consult any person;
  - (b) take account of opinions expressed to it or information submitted to it.]
- (3) A body may defray out of any money paid to it under section 24 any expenses incurred by the body in consequence of this Act.
- (4) The Trustees of the National Heritage Memorial Fund may apply any money paid to them under section 24 for any purpose for which they have power to apply money under section 4 of the <sup>M5</sup>National Heritage Act 1980 [<sup>F68</sup>(other expenditure out of the fund)].

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[<sup>F69</sup>(5) References in this section (however expressed) to the distribution of money for meeting expenditure are to be construed as including distribution of money for the purpose of establishing, or contributing to, endowments in connection with expenditure of the description concerned.]

[<sup>F70</sup>(6) A reference in this section to meeting expenditure includes a reference to meeting expenditure which relates to—  
 (a) the Isle of Man, or  
 (b) any of the Channel Islands.]

#### Textual Amendments

- F65** S. 25(1A) inserted (2.7.1998) by 1998 c. 22, ss. 9(1), 27(4).  
**F66** S. 25(2A)-(2B) inserted (2.7.1998) by 1998 c. 22, ss. 10, 27(4).  
**F67** S. 25(2C) inserted (1.10.2006) by National Lottery Act 2006 (c. 23), ss. 10, 22(1); S.I. 2006/2630, art. 2(c)  
**F68** Words in s. 25(4) substituted (4.3.1998) by 1997 c. 14, s. 3, Sch. para. 4; S.I. 1998/292, art. 2  
**F69** S. 25(5) inserted (retrospectively) by National Lottery (Funding of Endowments) Act 2003 (c. 23), s. 1(3)(9)  
**F70** S. 25(6) added (1.12.2006 for specified purposes) by National Lottery Act 2006 (c. 23), ss. 13(1), 22(1); S.I. 2006/3201, art. 2(b)

#### Marginal Citations

- M5** 1980 c. 17.

### [<sup>F71</sup>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
  - (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—



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- (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.
- [ A body established under the law of the Isle of Man may be the subject of an
- <sup>F72</sup>(12) appointment under this section in connection with expenditure which relates to the Isle of Man.
- (13) A body established under the law of any of the Channel Islands may be the subject of an appointment under this section in connection with expenditure which relates to that Island.]]

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#### Textual Amendments

- F71** S. 25A inserted (2.7.1998) by 1998 c. 22, ss. 11(1), 27(4)  
**F72** S. 25A(12)(13) added (1.12.2006 for specified purposes) by National Lottery Act 2006 (c. 23), ss. 13(2), 22(1); S.I. 2006/3201, art. 2(b)

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

- C13** S. 25A(4) applied (8.7.2005) by Horserace Betting and Olympic Lottery Act 2004 (c. 25), s. 40, Sch. 5 para. 13(2)(a); S.I. 2005/1831, art. 2  
**C14** Ss. 25A(5)-(7) applied (8.7.2005) by Horserace Betting and Olympic Lottery Act 2004 (c. 25), s. 40, Sch. 5 para. 13(2)(b); S.I. 2005/1831, art. 2  
**C15** Ss. 25A(8)-(11) applied (8.7.2005) by Horserace Betting and Olympic Lottery Act 2004 (c. 25), s. 40, Sch. 5 para. 13(2)(c); S.I. 2005/1831, art. 2

### [<sup>F73</sup> 25B Joint schemes for distribution of money by distributing bodies.

- (1) A body which distributes money under subsection (1) of section 25 may, in accordance with the following provisions of this section, participate with one or more other such bodies in a joint scheme for the distribution of money under that subsection.
- (2) A body may participate in a joint scheme if the principal purposes of the joint scheme include purposes for which the body has power to distribute money under subsection (1) of section 25, notwithstanding that the body would not, apart from this section, have power to distribute money under that subsection for meeting expenditure on some of the particular projects for which money may be distributed under the scheme.
- (3) Money shall not, under a joint scheme, be distributed for meeting expenditure on any particular project unless the expenditure is such that—
  - (a) at least one of the bodies participating in the joint scheme has power, acting alone, to distribute money under section 25(1) for meeting the expenditure, or
  - (b) two or more of the bodies participating in the joint scheme, taken together, have power between them to distribute money under section 25(1) for meeting the expenditure.
- (4) Nothing in subsection (3) affects the liability of each body participating in a scheme in relation to the distribution of any money under section 25(1) under the scheme.
- (5) Schedule 3A contains supplementary provision in relation to joint schemes.

[ References in this section (however expressed) to distribution under section 25(1) of  
<sup>F74</sup>(6) money for meeting expenditure are to be construed in accordance with section 25(5).]

#### Textual Amendments

- F73** S. 25B inserted (2.7.1998) by 1998 c. 22, ss. 12(1), 27(4).  
**F74** S. 25B(6) inserted (retrospectively) by National Lottery (Funding of Endowments) Act 2003 (c. 23), s. 1(4)(9)

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- (1) If the Secretary of State instructs it do so, a body which distributes money under section 25(1) shall, in accordance with the following provisions of this section,—
  - (a) prepare and adopt a strategic plan, or
  - (b) review and modify any strategic plan which it has adopted, or
  - (c) replace any strategic plan which it has adopted by preparing and adopting another.
- (2) In this section “strategic plan”, in the case of any body, means a statement containing the body’s policies for the distribution of the money likely to be available to it for distribution under section 25(1).
- (3) A strategic plan must also contain—
  - (a) a statement of any directions given to the body by the Secretary of State under section 26(1) [<sup>F76</sup>or 36E,]
  - (b) a statement of the estimate given to the body by the Secretary of State of the money likely to be available for distribution by the body under section 25(1),
  - (c) a statement of the body’s assessment of the needs which the body has power to deal with, in whole or in part, by distributing money under section 25(1), and
  - (d) a statement of the body’s priorities in dealing with those needs by the distribution of money under section 25(1).
- (4) A strategic plan must be such as to demonstrate how the body is taking into account or, as the case may be, complying with the directions mentioned in subsection (3)(a).
- (5) Before adopting a strategic plan, a body shall—
  - (a) consult such other bodies as it thinks fit for the purpose of identifying the needs mentioned in subsection (3)(c) and formulating the policies to be adopted for dealing with those needs,
  - (b) prepare a draft of the proposed plan,
  - (c) send a copy of the draft to the Secretary of State, and
  - (d) after consultation with the Secretary of State, make such modifications to the draft as it considers necessary or expedient.
- (6) Where a body adopts a strategic plan—
  - (a) the body shall send copies of the document containing the plan to the Secretary of State, and
  - (b) the Secretary of State shall lay a copy of the document before each House of Parliament.
- (7) Nothing in this section applies in relation to any body which distributes under section 25(1) money allocated under section 22(3)(e).]

**Textual Amendments****F75** S. 25C inserted (2.9.1998) by 1998 c. 22, ss. 13, 27(5).**F76** Words in s. 25C(3)(a) substituted (1.12.2006) by National Lottery Act 2006 (c. 23), ss. 19(2), 22(1); S.I. 2006/3201, art. 2(d)**Modifications etc. (not altering text)****C16** S. 25C (except s. 25C(3)(b)): transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

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- C17** S. 25C(1) (as read with s. 26A(1)(a)): 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
- C18** S. 25C(3)(a) modified (1.7.1999) by [S.I. 1999/672](#), art. 2, [Sch. 1](#)
- C19** S. 25C(5)(c)(d)(6): certain functions made exercisable by the Scottish Ministers concurrently with the Minister concerned (1.7.1999) by [S.I. 1999/1750](#), arts. 1(1), 3, [Sch. 2](#) (with art. 7); [S.I. 1998/3178](#), art. 3
- C20** S. 25(6)(b) modified (1.7.1999) by [S.I. 1999/672](#), art. 2, [Sch. 1](#)

## <sup>F77</sup>[25D Strategic plans for distributing bodies in or as regards Scotland

The functions of the Secretary of State—

- (a) under section 25C(1) shall, as regards instructions to—
  - (i) any body specified in section 23(1) <sup>F78</sup> whose functions exclusively or mainly relate to the arts in Scotland; or
  - (ii) any body specified in section 23(2) <sup>F79</sup> whose functions exclusively or mainly relate to sport in Scotland; and
- (b) under section 25C(5)(c) and (d) and (6) shall, as regards strategic plans prepared by any body other than—
  - (i) any body specified in section 23(1) whose functions relate exclusively or mainly to the arts in any one of England, Wales or Northern Ireland; or
  - (ii) any body specified in section 23(2) whose functions relate exclusively or mainly to sport in any one of England, Wales or Northern Ireland,
 be treated as exercisable in or as regards Scotland and may be exercised separately.]

### Textual Amendments

- F77** S. 25D inserted (30.6.1999) by [S.I. 1999/1756](#), arts. 1(1), 2, [Sch. para. 15\(2\)](#) (with art. 8); [S.I. 1998/3178](#), art. 3
- F78** Section 23(1) was amended by [S.I. 1994/1342](#) and 1995/2088.
- F79** Section 23(2) was amended by [S.I. 1996/3095](#).

## <sup>F80</sup>[25E Distribution of funds: publicity

A body which distributes money under section 25(1) may make or participate in arrangements for—

- (a) publishing information relating to the effect of a provision of this Act,
- (b) publishing information relating to the distribution of money under this Act or the expenditure of money distributed under this Act, or
- (c) encouraging participation in activities relating to the distribution of money under this Act.]

### Textual Amendments

- F80** S. 25E inserted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), ss. 11, 22(1); [S.I. 2006/2630](#), art. 2(c)

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### *Control by the Secretary of State*

## **26 Directions to distributing bodies.**

- (1) A body shall comply with any directions given to it by the Secretary of State as to the matters to be taken into account in determining the persons to whom, the purposes for which and the conditions subject to which the body distributes any money under section 25(1).
- (2) The Trustees of the National Heritage Memorial Fund shall comply with any directions given to them by the Secretary of State as to the matters to be taken into account in determining the purposes for which and the conditions subject to which the Trustees apply any money under section 25(4).
- (3) A body shall comply with any directions that the Secretary of State considers it appropriate to give the body for securing the proper management and control of money paid to the body under section 24.
- <sup>F81</sup>[(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.]
- (4) Directions under subsection (3) [<sup>F82</sup>or (3A)] may in particular require a body—
  - (a) to obtain the consent of the Secretary of State before doing anything specified, or of a description specified, in the directions;
  - (b) to provide the Secretary of State at times specified by him with such information as he may require.
- <sup>F83</sup>[(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) The Secretary of State shall consult a body before giving any directions to it under this section.
- <sup>F84</sup>(6) This section does not apply to the Big Lottery Fund.]

#### **Textual Amendments**

**F81** S. 26(3A) inserted (2.7.1998) by 1998 c. 22, ss. 11(2), 27(4).

**F82** Words in s. 26(4) inserted (2.7.1998) by 1998 c. 22, s. 11(3).

**F83** S. 26(4A) inserted (2.7.1998) by 1998 c. 22, ss. 11(4), 27(4).

**F84** S. 26(6) added (1.12.2006) by National Lottery Act 2006 (c. 23), ss. 19(3), 22(1); S.I. 2006/3201, art. 2(d)

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

**C21** S. 26(1) (as read with s. 26A(1)(a)(2)(b)): 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. 26(1) (as read with s. 26A(2)(a)): 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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- S. 26(1): certain functions made exercisable by the National Assembly for Wales concurrently with the Secretary of State (1.7.1999) by [S.I. 1999/672](#), [art. 2](#), [Sch. 1](#)
- C22** S. 26(1)(5): transfer of certain functions (1.7.1999) by [S.I. 1999/672](#), [art. 2](#), [Sch. 1](#)
- C23** S. 26(2) (as read with s. 26A(2)(b)): 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. 26(2) (as read with s. 26A(2)(a)): 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. 26(2): certain functions made exercisable by the National Assembly for Wales concurrently with the Secretary of State (1.7.1999) by [S.I. 1999/672](#), [art. 2](#), [Sch. 1](#)
- C24** S. 26(3): functions amended (1.7.1999) by [S.I. 1999/672](#), [art. 5](#), [Sch. 2](#)
- S. 26(3) (as read with s. 26A(1)(a)): 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](#)
- C25** S. 26(3A): functions amended (1.7.1999) by [S.I. 1999/672](#), [art. 5](#), [Sch. 2](#)
- S. 26(3A) (as read with s. 26A(1)(a)): 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. 26(3A) (as read with s. 26A(1)(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](#)
- C26** S. 26(4) (as read with s. 26A(1)(a)): 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](#)
- C27** S. 26(5): certain functions made exercisable by the National Assembly for Wales concurrently with the Secretary of State (1.7.1999) by [S.I. 1999/672](#), [art. 2](#), [Sch. 1](#)
- S. 26(5): 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](#)

#### Commencement Information

- II** S. 26 wholly in force at 21.12.1993; s. 26 not in force at Royal Assent see s. 65; s. 26(1)(3)-(5) in force at 25.10.1993 and s. 26(2) in force at 21.12.1993 by [S.I. 1993/2632](#), [arts. 2, 3](#)

### <sup>F85</sup>[26A Directions to distributing bodies in or as regards Scotland

- (1) The functions of the Secretary of State—
  - (a) under section 26(1), (3), (3A) <sup>F86</sup> (4) <sup>F87</sup> and (5) shall, as regards directions to—
    - (i) any body specified in section 23(1) <sup>F88</sup> whose functions exclusively or mainly relate to the am in Scotland; or
    - (ii) any body specified in section 23(2) <sup>F89</sup> whose functions exclusively or mainly relate to sport in Scotland; and
  - (b) under section 26(3A) shall, as regards directions to any other body except—
    - (i) any body specified in section 23(1) whose functions relate exclusively or mainly to the arts in any one of England, Wales or Northern Ireland; or
    - (ii) any body specified in section 23(2) whose functions relate exclusively or mainly to sport in any one of England, Wales or Northern Ireland, be treated as exercisable in or as regards Scotland and may be exercised separately.
- (2) Directions given to the National Lottery Charities Board or the New Opportunities Fund under section 26(1) or to the Trustees of the National Heritage Memorial Fund under section 26(2) may be made—
  - (a) to apply to the whole of the United Kingdom and provide for all matters other than those to be provided specifically for Scotland in accordance with subsection (3); or

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- (b) to apply only to Scotland and provide for the matters specified in subsection (3).
- (3) Directions given in accordance with subsection (2)(b) may, in relation to any distribution made for a purpose which does not concern reserved matters, provide for priorities and other matters to be taken into account in determining the persons to whom and the purposes for which the money available for distribution in Scotland is distributed and in determining conditions of distribution for the purpose of specific cases but may not provide for—
  - (a) the total allocation of resources to Scotland or between Scotland and other parts of the United Kingdom; or
  - (b) except in relation to any initiative specified in an order made under section 43B <sup>F90</sup> which applies only in Scotland, the general conditions subject to which lottery money is distributed in accordance with directions applying to the whole of the United Kingdom.]

#### Textual Amendments

- F85** S. 26A inserted (30.6.1999) by [S.I. 1999/1756](#), arts. 1(1), 2, **Sch. para. 15(3)** (with art. 8); [S.I. 1998/3178](#), **art. 3**
- F86** Section 26(3A) was inserted by the 1998 Act section 11(2).
- F87** Section 26(4) was amended by the 1998 Act, section 11(3).
- F88** Section 23(1) was amended by [S.I. 1994/1342](#) and 1995/2088.
- F89** Section 23(2) was amended by [S.I. 1996/3095](#),
- F90** Section 43B was inserted by the 1998 Act section 7(2).

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

- C28** S. 26(1)(b): amended (1.7.1999) by [S.I. 1999/1750](#), arts. 1(1), 4, **Sch. 3** (with art. 7); [S.I. 1998/3178](#), **art. 3**
- C29** S. 26(2)(a): amended (1.7.1999) by [S.I. 1999/1750](#), arts. 1(1), 4, **Sch. 3** (with art. 7); [S.I. 1998/3178](#), **art. 3**

## 27 Power to prohibit distribution in certain cases.

- (1) Where subsection (2) applies, the Secretary of State may by order prohibit a body from distributing money under section 25(1) to a person specified in the order.
- (2) This subsection applies if at the time the order is made—
  - (a) the person specified is a company of which the body, or a wholly-owned subsidiary of the body, is a member, or
  - (b) the Secretary of State considers that the body is able (whether directly or indirectly) to control or materially to influence the policy of the person specified in carrying on any undertaking or performing any functions.
- (3) In subsection (2)—
  - (a) “company” means a company formed and registered under the <sup>M6</sup>Companies Act 1985 or the <sup>M7</sup>Companies (Northern Ireland) Order 1986 or a company to which the provisions of that Act or Order apply as they apply to a company so formed and registered, and
  - (b) “wholly-owned subsidiary” has the meaning given by section 736 of that Act or Article 4 of that Order.



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- (4) Where subsection (5) applies, the Secretary of State may give directions to a body—
- (a) prohibiting it from distributing money under section 25(1) to a person in Northern Ireland specified in the directions, or
  - (b) requiring it to secure that any money distributed by it under section 25(1) to such a person is not applied for a purpose specified in the directions.
- (5) This subsection applies if at the time the directions are given the Secretary of State considers that—
- (a) a proscribed organisation for the purposes of the <sup>M8</sup>Northern Ireland (Emergency Provisions) Act 1991, or
  - (b) any other organisation that appears to him to be concerned in terrorism in Northern Ireland or in promoting or encouraging it,
- might directly or indirectly derive benefit from the distribution of money to the person specified.
- (6) In subsection (5) “benefit” includes benefit of a non-financial nature and, in particular, an enhancement of reputation.
- (7) A body may not disclose to any other person either the identity of any person specified in directions given to it under subsection (4) or any information that might lead to the identification of such a person.
- (8) A body shall provide the Secretary of State with such information as he may require for the purpose of exercising his powers under this section in relation to the body.
- [<sup>F91</sup>(9) The function of the Secretary of State—
- (a) under subsection (1) to prohibit a body from distributing money; or
  - (b) under subsection (8) to require information,
- may, in relation to—
- (i) any body specified in section 23(1) whose functions exclusively or mainly relate to the arts in Scotland; or
  - (ii) any body specified in section 23(2) whose functions exclusively or mainly relate to sport in Scotland,
- be exercised separately.]

#### Textual Amendments

**F91** S. 27(9) added (30.6.1999) by [S.I. 1999/1756](#), arts. 1(1), 2, [Sch. para. 15\(4\)](#) (with art. 8); [S.I. 1998/3178](#), [art. 3](#)

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

**C30** S. 27: transfer of certain functions (1.7.1999) by [S.I. 1999/672](#), art. 2, [Sch. 1](#)

**C31** S. 27(1): 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](#)

**C32** S. 27(8): 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](#)

#### Marginal Citations

**M6** 1985 c. 6.

**M7** [S.I. 1986/1032](#) (N.I. 6).

**M8** 1991 c. 24.

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## 28 Power to amend section 22.

- (1) The Secretary of State may by order amend section 22(3) so as to substitute different percentages for any of the percentages for the time being specified there.
- (2) Any amendment made under this section shall be such that—
  - (a) no percentage lower than 5 per cent. is specified in section 22(3), and
  - (b) the percentages specified in section 22(3) amount in total to 100 per cent.
- (3) Without prejudice to the generality of section 60(5), an order under this section 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 specified in section 23.

### Modifications etc. (not altering text)

**C33** S. 28 (as read with s. 43CC(2)(a)): 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](#)

## 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.
- (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);

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- (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.
- [<sup>F92</sup>(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

- F92** 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)

- C34** 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](#)
- C35** 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](#)
- C36** S. 29(3)(b): functions amended (1.7.1999) by [S.I. 1999/672](#), art. 5, [Sch. 2](#)
- C37** 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](#)
- C38** 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](#)

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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](#)

## **[<sup>F93</sup>29A Reallocation of funds**

- (1) This section applies where money is—
  - (a) allocated for a purpose under section 22(3), and
  - (b) held for distribution by a body under section 23.
- (2) The Secretary of State may by order provide for the money to be held for distribution by a different body specified in the order (without altering the purpose for which the money is allocated).
- (3) Before making an order under this section the Secretary of State shall consult—
  - (a) each body mentioned in the order,
  - (b) the National Assembly for Wales,
  - (c) the Scottish Ministers,
  - (d) the Northern Ireland Department of Culture, Arts and Leisure, and
  - (e) such other persons (if any) as he thinks appropriate.]

### **Textual Amendments**

**F93** S. 29A inserted (1.10.2006) by [National Lottery Act 2006](#) (c. 23), [ss. 8\(1\), 22\(1\)](#); [S.I. 2006/2630](#), [art. 2\(b\)](#)

*Winding up of fund allocated under section 22(3)(e)*

## **<sup>F94</sup>30 Winding up of fund allocated under section 22(3)(e).**

.....

### **Textual Amendments**

**F94** S. 30 repealed (8.4.2005) by [Horserace Betting and Olympic Lottery Act 2004](#) (c. 25), [ss. 34\(10\), 40](#), [Sch. 6](#); [S.I. 2005/1134](#), [art. 2](#)

*Distribution Fund: further provisions*

## **31 Payments from Distribution Fund in respect of expenses.**

- (1) At such times as the Secretary of State with the approval of the Treasury determines to be appropriate, payments shall be made into the Consolidated Fund out of so much of any money in the Distribution Fund as is held under section 22(2).
- (2) The payments shall be of such amounts as the Secretary of State with the approval of the Treasury determines to be appropriate for—
  - <sup>F95</sup>(a) .....
  - <sup>F96</sup>[(aa) meeting payments made or to be made under paragraph 10 of Schedule 2A,]

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- (b) defraying expenses incurred or to be incurred by the Secretary of State in exercising his functions under this Act, and
- (c) defraying expenses incurred or to be incurred by the National Debt Commissioners in making investments under section 32.

<sup>F97</sup>(3) . . . . .

<sup>F98</sup>[(4) In determining what amounts are appropriate for meeting the payments referred to in subsection (2)(aa), the Secretary of State shall take into account sums paid or to be paid into the Consolidated Fund under section 7(6).]

#### Textual Amendments

- F95** S. 31(2)(a) repealed (1.4.1999) by 1998 c. 22, ss. 1(5), 26, Sch. 1 Pt. III para. 15(2)(a), **Sch. 5 Pt. I; S.I. 1999/650, art. 2.**
- F96** S. 31(2)(aa) inserted (1.4.1999) by 1998 c. 22, s. 1(5), **Sch. 1 Pt. III para. 15(2)(b); S.I. 1999/650, art. 2.**
- F97** S. 31(3) repealed (1.4.1999) by 1998 c. 22, ss. 1(5), 26, Sch. 1 Pt. III para. 15(3), **Sch. 5 Pt. I; S.I. 1999/650, art. 2.**
- F98** S. 31(4) added (1.4.1999) by 1998 c. 22, s. 1(5), **Sch. 1 Pt. III para. 15(4); S.I. 1999/650, art. 2.**

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

- C39** S. 31 extended (2.7.1998) by 1998 c. 22, s. 8(7).  
 S. 31 extended (2.7.1998) by 1998 c. 22, s. 16(2), **Sch. 4 para. 11.**

## 32 Investment of Distribution Fund.

- (1) So much of any money in the Distribution Fund as is neither held under section 22(2) nor immediately required for making payments under section 24 may be paid over to the National Debt Commissioners and invested by them in accordance with such directions as may be given by the Treasury.
- (2) The proceeds of any investment made under subsection (1) or this subsection may be re-invested by the National Debt Commissioners in accordance with such directions as may be given by the Treasury.
- (3) The proceeds of any investment made under subsection (1) or (2) shall, if they are not re-invested under subsection (2), be paid into the Distribution Fund and [<sup>F99</sup>treated as if paid into the Fund by virtue of section 5(6). ]
- (4) In this section “proceeds”, in relation to an investment, means any interest or dividends received in respect of the investment and any sums received on the realisation of the investment.

<sup>F100</sup>(5) . . . . .

#### Textual Amendments

- F99** Words in s. 32(3) substituted for s. 32(3)(a)(b) (1.4.2007) by **National Lottery Act 2006 (c. 23), ss. 9(a), 22(1); S.I. 2007/539, art. 2**
- F100** S. 32(5) repealed (1.12.2006) by **National Lottery Act 2006 (c. 23), ss. 9(b), 22(1), Sch. 3; S.I. 2006/3201, art. 2(e)**

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### **33 Accounts of the Secretary of State and National Debt Commissioners.**

- (1) The Secretary of State shall prepare accounts in respect of the Distribution Fund in such form, and in such manner and at such times, as the Treasury may direct.
- (2) The National Debt Commissioners shall prepare accounts in respect of any investments under section 32 in such form, and in such manner and at such times, as the Treasury may direct.
- (3) Each account prepared under subsection (1) or (2) shall be sent to the Comptroller and Auditor General who shall examine, certify and report on it and shall lay copies of it and of his report before Parliament.

<sup>F101</sup>[(4) For the purpose of exercising his examination function in relation to any accounts prepared under subsection (1), the Comptroller and Auditor General—

- (a) shall have a right of access at all reasonable times to any documents which he reasonably requires which are in the custody or under the control of any section 5 licensee; and
- (b) shall have a right to require from any officer or employee of any section 5 licensee, or from the auditors of any section 5 licensee, an explanation of, or information relating to, any such documents;

but a section 5 licensee shall not, by virtue only of this subsection, be a body to which section 6 of the <sup>M9</sup>National Audit Act 1983 applies.

(5) For the purpose of—

- (a) exercising his examination function in relation to any accounts prepared under subsection (1), or
- (b) deciding whether, or to what extent, to exercise any right conferred by subsection (4),

the Comptroller and Auditor General shall have regard to any information which the Director General has obtained from any section 5 licensee and which is relevant to the exercise of that function.

(6) Where, in exercising his examination function in relation to any accounts prepared under subsection (1), the Comptroller and Auditor General obtains any information which gives him grounds to believe that a section 5 licensee has, or may have, contravened any of the conditions of its licence under section 5, the Comptroller and Auditor General shall as soon as practicable disclose that information to the Director General.

(7) A section 5 licensee shall be under a duty—

- (a) to permit the Comptroller and Auditor General to exercise the right conferred by subsection (4)(a); and
- (b) to do all that may be reasonably practicable to secure that any person who under subsection (4)(b) is required to provide an explanation of, or information relating to, any document complies with that requirement;

and any breach of that duty shall be actionable at the suit of the Comptroller and Auditor General.

(8) The right of access to documents conferred by subsection (4)(a) includes a right to take copies of or make extracts from documents.

(9) In this section any reference to documents includes a reference to information held by means of a computer or in any other electronic form; and in the case of information

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so held the right of access conferred by subsection (4)(a) includes a right of access to, and to take copies of, that information in a visible and legible form.

(10) In this section—

“examination function”, in relation to the Comptroller and Auditor General, means his function under subsection (3);

“section 5 licensee” means a body which holds or has held a licence under section 5.]

#### Textual Amendments

**F101** S. 33(4)-(10) inserted (2.9.1998) by 1998 c. 22, ss. 5(2)(3), 27(5).

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

**C40** S. 33 applied (with modifications) (8.4.2005) by Horserace Betting and Olympic Lottery Act 2004 (c. 25), ss. 34(11), 40; S.I. 2005/1134, art. 2

**C41** S. 33 functions made partly exercisable concurrently (22.8.2007) by The Transfer of Functions (Olympics and Paralympics) Order 2007 (S.I. 2007/2129), arts. 1(2), 3(1)(2)(a)(iii) (with art. 4)

#### Marginal Citations

**M9** 1983 c. 44.

### *Reports and accounts of distributing bodies*

#### 34 Annual reports by distributing bodies <sup>F102</sup>....

(1) As soon as possible after the end of every financial year, each body that in that year was paid any money under section 24 or distributed or applied any money under section 25 shall make a report to the Secretary of State on the exercise during that year of its functions under this Act.

(2) The report shall set out any directions given to the body under section 26 that had effect during the financial year to which the report relates.

[<sup>F103</sup>(2A) The report shall set out the body's policy and practice in relation to the principle that proceeds of the National Lottery should be used to fund projects, or aspects of projects, for which funds would be unlikely to be made available by—

- (a) a Government department,
- (b) the Scottish Ministers,
- (c) a Northern Ireland department, or
- (d) the National Assembly for Wales.]

(3) The Secretary of State shall lay a copy of every report received by him under this section before Parliament.

<sup>F104</sup>(4) .....

[<sup>F105</sup>(5) The functions of the Secretary of State under this section shall, in so far as they relate to any body other than—

- (a) any body specified in section 23(1) whose functions relate exclusively or mainly to the arts in any one of England, Wales or Northern Ireland; or



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(b) any body specified in section 23(2) whose functions relate exclusively or mainly to sport in any one of England, Wales or Northern Ireland, be treated as exercisable in or as regards Scotland and may be exercised separately.]

[<sup>F106</sup>(6) Where a report is made under subsection (1) to the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998), the Scottish Ministers shall lay a copy of the report before the Scottish Parliament.]

#### Textual Amendments

**F102** Words in s. 34 heading omitted (1.12.2006) by virtue of [National Lottery Act 2006 \(c. 23\)](#), **ss. 19(4)(b)**, 22(1); [S.I. 2006/3201](#), **art. 2(d)**

**F103** S. 34(2A) inserted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 12**, 22(1); [S.I. 2006/2630](#), **art. 2(c)** (with **art. 4**)

**F104** S. 34(4) repealed (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 19(4)(a)**, 22(1), **Sch. 3**; [S.I. 2006/3201](#), **art. 2(d)(e)**

**F105** S. 34(5) added (30.6.1999) by [S.I. 1999/1756](#), **arts. 1(1)**, 2, **Sch. para. 15(6)**; [S.I. 1998/3178](#), **art. 3**

**F106** S. 34(6) added (1.7.1999) by [S.I. 1999/1750](#), **arts. 1(1)**, 6(1), **Sch. 5 para. 12(3)** (with **art. 8**); [S.I. 1998/3178](#), **art. 3**

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

**C42** S. 34: certain functions made exercisable by the Scottish Ministers concurrently with the Minister (1.7.1999) by [S.I. 1999/1750](#), **arts. 1(1)**, 3, **Sch. 2** (with **art. 7**); [S.I. 1998/3178](#), **art. 3**

**C43** S. 34(3) modified (1.7.1999) by [S.I. 1999/672](#), **art. 2**, **Sch. 1**

### 35 Accounts of distributing bodies other than [<sup>F107</sup>the Big Lottery Fund] .

- (1) A body shall keep proper accounts in respect of any money paid to it under section 24 and proper records in relation to the accounts.
- (2) A body shall prepare a statement of accounts in respect of each financial year in which it was paid any money under section 24 or distributed or applied any money under section 25.
- (3) The statement shall comply with any directions that may be given by the Secretary of State as to the information to be contained in such a statement, the manner in which such information is to be presented or the methods and principles according to which such a statement is to be prepared.
- (4) Copies of the statement shall be sent to the Secretary of State and the Comptroller and Auditor General within such period after the end of the financial year to which the statement relates as the Secretary of State may direct.
- (5) The Comptroller and Auditor General shall examine, certify and report on the statement and shall lay copies of the statement and of his report before Parliament.
- (6) The Secretary of State shall not give a direction under this section without the Treasury's approval.
- (7) This section does not apply to [<sup>F108</sup>the Big Lottery Fund] .

[<sup>F109</sup>(8) The functions of the Secretary of State—

- (a) under subsection (3) to give directions shall, in so far as they relate to—

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- (i) any body specified in section 23(1) whose functions exclusively or mainly relate to the arts in Scotland; or
- (ii) any body specified in section 23(2) whose functions exclusively or mainly relate to sport in Scotland; and
- (b) under subsection (4) to receive copies of the statement shall, in so far as they relate to any body other than–
  - (i) any body specified in section 23(1) whose functions relate exclusively or mainly to the arts in any one of England, Wales or Northern Ireland; or
  - (ii) any body specified in section 23(2) whose functions relate exclusively or mainly to sport in any one of England, Wales or Northern Ireland,
 be treated as exercisable in or as regards Scotland and may be exercised separately.]

#### Textual Amendments

- F107** Words in s. 35 heading substituted (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 19(5)(b)**, 22(1); [S.I. 2006/3201](#), **art. 2(d)**
- F108** Words in s. 35(7) substituted (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 19(5)(a)**, 22(1); [S.I. 2006/3201](#), **art. 2(d)**
- F109** S. 35(8) added (30.6.1999) by [S.I. 1999/1756](#), **arts. 1(1), 2**, **Sch. para. 15(7)** (with **art. 8**); [S.I. 1998/3178](#), **art. 3**

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

- C44** S. 35(3) (as read with s. 43CC(2)(b)): 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. 35(3): functions amended (1.7.1999) by [S.I. 1999/672](#), **art. 5**, **Sch. 2**
- C45** S. 35(4): certain functions made exercisable by the Scottish Ministers concurrently with the Minister concerned (1.7.1999) by [S.I. 1999/1750](#), **arts. 1(1), 3**, **Sch. 2** (with **art. 7**); [S.I. 1998/3178](#), **art. 3**
- C46** S. 35(5) modified (1.7.1999) by [S.I. 1999/672](#), **art. 2**, **Sch. 1**

### *The Trustees of the National Heritage Memorial Fund*

## 36 Amendment of the National Heritage Act 1980.

The <sup>M10</sup>National Heritage Act 1980 shall have effect with the amendments set out in Schedule 4.

#### Marginal Citations

- M10** [1980 c. 17](#).

### *<sup>F110</sup>The Big Lottery Fund*

#### Textual Amendments

- F110** S. 39A and cross-heading inserted (1.8.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 14(1)**, 22(1); [S.I. 2006/2177](#), **art. 2**

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- (1) There shall be a body corporate known as the Big Lottery Fund.
- (2) Schedule 4A (which makes provision in relation to the Fund) shall have effect.]

**[<sup>F111</sup>36B Power to distribute funds**

- (1) The Big Lottery Fund may make grants or loans, or make or enter into other arrangements, for the purpose of complying with section 25(1).
- (2) A grant or loan may be subject to conditions (which may, in particular, include conditions as to repayment with interest).
- (3) The Secretary of State may by order make provision limiting the amounts distributed under subsection (1).
- (4) An order under subsection (3) may in particular—
  - (a) specify a maximum amount that may be distributed during a specified period for expenditure of a description prescribed under section 22(3A);
  - (b) specify a minimum amount that must be distributed during a specified period for expenditure of a description prescribed under section 22(3A);
  - (c) make provision by reference to the aggregate of amounts distributed, to a percentage of amounts available for distribution or otherwise;
  - (d) make provision (which may, in particular, confer a power on the Fund) for the treatment of expenditure which satisfies more than one prescribed description.
- (5) Before making an order under subsection (3) the Secretary of State shall consult—
  - (a) the Fund,
  - (b) the National Assembly for Wales,
  - (c) the Scottish Ministers,
  - (d) the Northern Ireland Department of Culture, Arts and Leisure, and
  - (e) such other persons (if any) as he thinks appropriate.

**Textual Amendments**

**F111** Ss. 36B-36E inserted (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), ss. **15(2)**, 22(1); S.I. 2006/3201, art. 2(c)

**36C Non-lottery funds**

- (1) The Fund may enter into an arrangement with a person under which—
  - (a) the person pays money to the Fund, and
  - (b) the Fund distributes the money to a third party.
- (2) An arrangement under subsection (1) may, in particular—
  - (a) identify the third party, or
  - (b) otherwise limit the Fund's freedom of action in relation to the distribution of the money paid under the arrangement.
- (3) The Fund shall distribute money received under subsection (1) for meeting expenditure that is—

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- (a) charitable,
  - (b) connected with health,
  - (c) connected with education, or
  - (d) connected with the environment.
- (4) The reference in subsection (3) to the distribution of money received under subsection (1) is a reference to doing anything of a kind that the Fund can do under section 36B.
- (5) A reference in this Act to payment under section 25(1) shall include a reference to payment under subsection (3) above.

#### Textual Amendments

**F111** Ss. 36B-36E inserted (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 15(2), 22(1)**; S.I. 2006/3201, [art. 2\(c\)](#)

### 36D Power to give advice

The Big Lottery Fund may give advice about—

- (a) the distribution of money under any provision of this Act;
- (b) inviting, making or considering applications for grants and loans under any provision of this Act;
- (c) the use of money paid under any provision of this Act.

#### Textual Amendments

**F111** Ss. 36B-36E inserted (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 15(2), 22(1)**; S.I. 2006/3201, [art. 2\(c\)](#)

### 36E Directions

- (1) In exercising any of its functions the Big Lottery Fund shall comply with any direction given to it by the Secretary of State (subject to subsection (4)).
- (2) A direction under this section may, in particular, specify matters to be taken into account in determining the persons to whom, the purposes for which and the conditions subject to which the Fund distributes money.
- (3) A direction under this section may, in particular—
  - (a) relate to the management and control of money received by the Fund;
  - (b) relate to the employment of staff;
  - (c) with the consent of the Treasury, relate to—
    - (i) the form of accounts, or
    - (ii) methods and principles for the preparation of accounts;
  - (d) in so far as it relates to a matter specified in paragraphs (a) to (c)—
    - (i) relate to the persons to whom or the terms on which the Fund delegates functions;
    - (ii) require the Fund to obtain the Secretary of State's consent before taking action of a specified kind;

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- (iii) require the Fund to provide information to the Secretary of State.
- (4) A direction under this section, other than a direction given by virtue only of subsection (3), may not be given by the Secretary of State in relation to Welsh, Scottish or Northern Ireland devolved expenditure, but—
- (a) may be given by the National Assembly for Wales in relation to Welsh devolved expenditure,
  - (b) may be given by the Scottish Ministers in relation to Scottish devolved expenditure, and
  - (c) may be given by the Northern Ireland Department of Culture, Arts and Leisure in relation to Northern Ireland devolved expenditure.
- (5) Before giving a direction under this section, other than by virtue only of subsection (3), the Secretary of State shall consult—
- (a) the Fund,
  - (b) the National Assembly for Wales,
  - (c) the Scottish Ministers, and
  - (d) the Northern Ireland Department of Culture, Arts and Leisure.
- (6) But subsection (5)(b) to (d) shall not apply to a direction which relates only to English devolved expenditure.
- (7) Before giving a direction to the Fund by virtue only of subsection (3) the Secretary of State shall consult the Fund.
- (8) Before giving a direction to the Fund by virtue of subsection (4)(a) to (c) the person giving the direction shall—
- (a) consult the Fund, and
  - (b) obtain the consent of the Secretary of State.
- (9) A report of the Fund under section 34 shall set out any directions given to the Fund under subsection (1) that had effect during the financial year to which the report relates.]

#### Textual Amendments

**F111** Ss. 36B-36E inserted (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 15(2), 22(1)**; S.I. 2006/3201, [art. 2\(c\)](#)

### *The National Lottery Charities Board*

#### <sup>F112</sup>37 The National Lottery Charities Board.

.....

#### Textual Amendments

**F112** Ss. 37-39 repealed (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 19(6)(a), 22(1), Sch. 3**; S.I. 2006/3201, [art. 2\(d\)\(e\)](#)

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## <sup>F112</sup>38 Grants to charities etc.

.....

### Textual Amendments

**F112** Ss. 37-39 repealed (1.12.2006) by National Lottery Act 2006 (c. 23), ss. 19(6)(a), 22(1), **Sch. 3**; S.I. 2006/3201, art. 2(d)(e)

## <sup>F112</sup>39 Accounts.

.....

### Textual Amendments

**F112** Ss. 37-39 repealed (1.12.2006) by National Lottery Act 2006 (c. 23), ss. 19(6)(a), 22(1), **Sch. 3**; S.I. 2006/3201, art. 2(d)(e)

## *The Millennium Commission*

## <sup>F113</sup>40 The Millennium Commission.

.....

### Textual Amendments

**F113** Ss. 40-43 repealed (1.12.2006) by National Lottery Act 2006 (c. 23), ss. 19(6)(b), 22(1), **Sch. 3**; S.I. 2006/3201, art. 2(d)(e)

## <sup>F113</sup>41 Grants in respect of projects.

.....

### Textual Amendments

**F113** Ss. 40-43 repealed (1.12.2006) by National Lottery Act 2006 (c. 23), ss. 19(6)(b), 22(1), **Sch. 3**; S.I. 2006/3201, art. 2(d)(e)

## <sup>F113</sup>42 Annual report.

.....

### Textual Amendments

**F113** Ss. 40-43 repealed (1.12.2006) by National Lottery Act 2006 (c. 23), ss. 19(6)(b), 22(1), **Sch. 3**; S.I. 2006/3201, art. 2(d)(e)

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.....

**Textual Amendments****F113** Ss. 40-43 repealed (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), ss. 19(6)(b), 22(1), **Sch. 3**; [S.I. 2006/3201](#), art. 2(d)(e)**<sup>F114</sup> The New Opportunities Fund****Textual Amendments****F114** Crossheading and ss. 43A-43D inserted (2.7.1998) by [1998 c. 22](#), **ss. 7(2)**, 27(4)**<sup>F115</sup> 43A The New Opportunities Fund.**

.....

**Textual Amendments****F115** Ss. 43A-43D repealed (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), ss. 19(6)(c), 22(1), **Sch. 3**; [S.I. 2006/3201](#), art. 2(d)(e)**<sup>F115</sup> 43B Functions of the New Opportunities Fund.**

.....

**Textual Amendments****F115** Ss. 43A-43D repealed (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), ss. 19(6)(c), 22(1), **Sch. 3**; [S.I. 2006/3201](#), art. 2(d)(e)**<sup>F115</sup> 43C Provisions supplemental to section 43B.**

.....

**Textual Amendments****F115** Ss. 43A-43D repealed (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), ss. 19(6)(c), 22(1), **Sch. 3**; [S.I. 2006/3201](#), art. 2(d)(e)**<sup>F115</sup> 43CC Directions to New Opportunities Fund in or as regards Scotland**

.....



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#### Textual Amendments

**F115** Ss. 43A-43D repealed (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), ss. 19(6)(c), 22(1), [Sch. 3](#); [S.I. 2006/3201](#), art. 2(d)(e)

#### <sup>F115</sup>43D] Accounts.

.....

#### Textual Amendments

**F115** Ss. 43A-43D repealed (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), ss. 19(6)(c), 22(1), [Sch. 3](#); [S.I. 2006/3201](#), art. 2(d)(e)

### Supplementary

## 44 Interpretation of Part II.

### (1) In this Part—

[<sup>F116</sup>“charitable”, in relation to expenditure, means expenditure for a charitable, benevolent or philanthropic purpose.]

<sup>F117</sup> ...

“the Distribution Fund” means the National Lottery Distribution Fund;

[<sup>F118</sup>“education” includes training and the provision of activities for children;

[<sup>F119</sup>“endowment” includes permanent endowment;]

“the environment” includes the living and social environment;]

“expenditure on or connected with the national heritage” [<sup>F120</sup>means expenditure for any purpose for which expenditure may be incurred under section 3, 3A or 4 of the National Heritage Act 1980]

“financial year”, in relation to a body, means—

(a) the period beginning with the date on which the body is established and ending with the next 31st March, and

(b) each successive period of twelve months ending with 31st March.

[<sup>F121</sup>“joint scheme” means a joint scheme under section 25B;]

(2) For the purposes of the definition of “expenditure on or connected with the national heritage” in subsection (1), any reference in section 3 [<sup>F122</sup>3A or 4] of the National Heritage Act 1980 to the opinion of the Trustees shall be read, in relation to any body other than the Trustees of the National Heritage Memorial Fund that is for the time being specified in section 23(3), as a reference to the opinion of that body.

[<sup>F123</sup>(3) A project or arrangement shall be regarded for the purposes of this Part as concerned or connected with health, education or the environment notwithstanding that it contains incidental provision—

(a) which is not concerned or connected with any of those matters; but

(b) which is necessary or expedient for the purposes of the project or arrangement.]

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[<sup>F124</sup>(4) Any reference in this Part to the distribution of money shall be construed as including the making or entering into of arrangements in accordance with section 25(1A) <sup>F125</sup>...; and related expressions used in this Part shall be construed accordingly.]

#### Textual Amendments

- F116** Words in s. 44(1) substituted (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 20**, 22(1); S.I. 2006/3201, **art. 2(d)**
- F117** S. 44(1) entry omitted (1.12.2006) by virtue of [National Lottery Act 2006 \(c. 23\)](#), **ss. 19(7)**, 22(1); S.I. 2006/3201, **art. 2(d)**
- F118** Definitions in s. 44(1) inserted (2.7.1998 with application in relation to sums paid into the National Lottery Distribution Fund under s. 21(2) on or after 14.10.1997) by 1998 c. 22, **s. 6(8)(9)**.
- F119** Words in s. 44(1) inserted (retrospectively) by [National Lottery \(Funding of Endowments\) Act 2003 \(c. 23\)](#), s. 1(8)(9)
- F120** Words in s. 44(1) substituted (4.3.1998) by 1997 c. 14, s. 3, **Sch. Pt. I para. 5(a)**; S.I. 1998/292, **art. 2**
- F121** Definition in s. 44(1) inserted (2.7.1998) by 1998 c. 22, **s. 12(2)**.
- F122** Words in s. 44(2) inserted (4.3.1998) by 1997 c. 14, s. 3, **Sch. Pt. I para. 5(b)**; S.I. 1998/292, **art. 2**
- F123** S. 44(3) inserted (2.7.1998) by 1998 c. 22, **s. 8(2)**.
- F124** S. 44(4) inserted (2.7.1998) by 1998 c. 22, **s. 9(2)**.
- F125** Words in s. 44(4) repealed (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), s. 22(1), **Sch. 3**; S.I. 2006/3201, **art. 2(e)**

## PART III

### MISCELLANEOUS AMENDMENTS RELATING TO LOTTERIES

#### *Preliminary*

#### <sup>F126</sup>45 Interpretation of Part III.

.....

#### Textual Amendments

- F126** S. 45 repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), **Sch. 17** (with ss. 352, 354); S.I. 2006/3272, **art. 2(4)(5)**, **Sch. 3B** (with **arts. 7-12**, **Sch. 4**) (as inserted by S.I. 2007/2169, **arts. 3**, **6**, **Sch.**)

#### *Importation and exportation restrictions*

#### 46 Importation and exportation restrictions.

- (1) In section 1 of the <sup>M11</sup>Revenue Act 1898 (prohibition on the importation of advertisements and notices relating to lotteries) as it applies in the United Kingdom, after “importation” there shall be inserted “ from a place outside the British Islands and the member States ”.

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(2) That section so far as it applies in the British Islands outside the United Kingdom shall cease to have effect.

<sup>F127</sup>(3) .....

(4) In Article 132(1) of the <sup>M12</sup>Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (general lottery offences)—

- (a) in paragraph (d) (bringing or sending lottery tickets or advertisements into Northern Ireland) after “Northern Ireland” there shall be inserted “ from a place outside the British Islands and the member States ”, and
- (b) in paragraph (f) (sending lottery proceeds etc. out of Northern Ireland) after “Northern Ireland” there shall be inserted “ to a place outside the British Islands and the member States ”.

#### Textual Amendments

**F127** S. 46(3) repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), [Sch. 17](#) (with ss. 352, 354); [S.I. 2006/3272](#), art. 2(4)(5), [Sch. 3B](#) (with arts. 7-12, [Sch. 4](#)) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, [Sch.](#))

#### Marginal Citations

**M11** 1898 c. 46.

**M12** [S.I. 1985/1204 \(N.I. 11\)](#).

### *Private lotteries*

<sup>F128</sup>**47 Private lotteries.**

.....

#### Textual Amendments

**F128** Ss. 47-59 repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), [Sch. 17](#) (with ss. 352, 354); [S.I. 2006/3272](#), art. 2(4)(5), [Sch. 3B](#) (with arts. 7-12, [Sch. 4](#)) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, [Sch.](#))

### *Societies' lotteries and local lotteries*

<sup>F128</sup>**48 Registration of societies.**

.....

#### Textual Amendments

**F128** Ss. 47-59 repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), [Sch. 17](#) (with ss. 352, 354); [S.I. 2006/3272](#), art. 2(4)(5), [Sch. 3B](#) (with arts. 7-12, [Sch. 4](#)) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, [Sch.](#))

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<sup>F128</sup>**49 Registration of lottery schemes.**

.....

**Textual Amendments**

**F128** Ss. 47-59 repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), [Sch. 17](#) (with ss. 352, 354); [S.I. 2006/3272](#), art. 2(4)(5), [Sch. 3B](#) (with arts. 7-12, [Sch. 4](#)) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, [Sch.](#))

<sup>F128</sup>**50 Lottery managers.**

.....

**Textual Amendments**

**F128** Ss. 47-59 repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), [Sch. 17](#) (with ss. 352, 354); [S.I. 2006/3272](#), art. 2(4)(5), [Sch. 3B](#) (with arts. 7-12, [Sch. 4](#)) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, [Sch.](#))

<sup>F128</sup>**51 Frequency of lotteries.**

.....

**Textual Amendments**

**F128** Ss. 47-59 repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), [Sch. 17](#) (with ss. 352, 354); [S.I. 2006/3272](#), art. 2(4)(5), [Sch. 3B](#) (with arts. 7-12, [Sch. 4](#)) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, [Sch.](#))

<sup>F128</sup>**52 Rules for lotteries.**

.....

**Textual Amendments**

**F128** Ss. 47-59 repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), [Sch. 17](#) (with ss. 352, 354); [S.I. 2006/3272](#), art. 2(4)(5), [Sch. 3B](#) (with arts. 7-12, [Sch. 4](#)) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, [Sch.](#))

<sup>F128</sup>**53 Offences.**

.....

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#### Textual Amendments

**F128** Ss. 47-59 repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), [Sch. 17](#) (with ss. 352, 354); [S.I. 2006/3272](#), art. 2(4)(5), [Sch. 3B](#) (with arts. 7-12, [Sch. 4](#)) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, [Sch.](#))

### <sup>F128</sup>**54 Powers of the Secretary of State to vary monetary limits and to prescribe or vary fees.**

.....

#### Textual Amendments

**F128** Ss. 47-59 repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), [Sch. 17](#) (with ss. 352, 354); [S.I. 2006/3272](#), art. 2(4)(5), [Sch. 3B](#) (with arts. 7-12, [Sch. 4](#)) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, [Sch.](#))

### <sup>F128</sup>**55 Interpretation of the 1976 Act.**

.....

#### Textual Amendments

**F128** Ss. 47-59 repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), [Sch. 17](#) (with ss. 352, 354); [S.I. 2006/3272](#), art. 2(4)(5), [Sch. 3B](#) (with arts. 7-12, [Sch. 4](#)) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, [Sch.](#))

## PART IV

### POOL BETTING

### <sup>F128</sup>**56 Removal of prohibition on the use of premises for the delivery of football pools coupons and stakes.**

.....

#### Textual Amendments

**F128** Ss. 47-59 repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), [Sch. 17](#) (with ss. 352, 354); [S.I. 2006/3272](#), art. 2(4)(5), [Sch. 3B](#) (with arts. 7-12, [Sch. 4](#)) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, [Sch.](#))

### <sup>F128</sup>**57 Reduction of age limit in relation to football pool betting.**

.....

*Status: Point in time view as at 01/09/2007.*

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#### Textual Amendments

**F128** Ss. 47-59 repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), [Sch. 17](#) (with ss. 352, 354); [S.I. 2006/3272](#), art. 2(4)(5), [Sch. 3B](#) (with arts. 7-12, [Sch. 4](#)) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, [Sch.](#))

### <sup>F128</sup>**58 Roll-over of prize money.**

.....

#### Textual Amendments

**F128** Ss. 47-59 repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), [Sch. 17](#) (with ss. 352, 354); [S.I. 2006/3272](#), art. 2(4)(5), [Sch. 3B](#) (with arts. 7-12, [Sch. 4](#)) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, [Sch.](#))

### <sup>F128</sup>**59 Pool promoters' dividends.**

.....

#### Textual Amendments

**F128** Ss. 47-59 repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), [Sch. 17](#) (with ss. 352, 354); [S.I. 2006/3272](#), art. 2(4)(5), [Sch. 3B](#) (with arts. 7-12, [Sch. 4](#)) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, [Sch.](#))

## PART V

### SUPPLEMENTARY

### **60 Orders and regulations.**

(1) Any power to make an order or regulations under this Act shall be exercisable by statutory instrument.

(2) An order shall not be made under

<sup>F129</sup>(a) section 22(3A), 28 or 36B(3),]

<sup>F130</sup>(aa) section 29A,]

or

(b) paragraph 2(5) of Schedule 3A,

unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.

<sup>F131</sup>[(2A) Subsection (2) does not apply to an order which contains only provision revoking an order under <sup>F132</sup>section 22(3A) or 36B(3).]

(3) A statutory instrument containing any order or regulations under this Act, other than

<sup>F133</sup>[(a) an order to which subsection (2) applies, or

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(b) an order under section 65,]

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

<sup>F134</sup>[(3A) Subsection (3) does not apply to a statutory instrument which contains only provision revoking an order under paragraph 2(1) of Schedule 3A.

(3B) A statutory instrument which contains only provision revoking an order under paragraph 2(1) of Schedule 3A shall be laid before each House of Parliament.]

(4) Any order or regulations under this Act may make different provision for different cases or circumstances.

(5) Any order or regulations under this Act may make such incidental, supplemental and transitional provision as the person making the order or regulations thinks appropriate.

<sup>F135</sup>[(6) Any reference in this section to an order is a reference to an order of the Secretary of State.]**Subordinate Legislation Made****P1** S. 60(5) power partly exercised (10.4.1994): 3.5.1994 and 3.10.1994 appointed for specified provisions by [S.I. 1994/1055](#).**Textual Amendments****F129** S. 60(2)(a) substituted (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 19(8)(a)**, 22(1); [S.I. 2006/3201](#), **art. 2(d)****F130** S. 60(2)(aa) inserted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 8(3)**, 22(1); [S.I. 2006/2630](#), **art. 2(b)****F131** S. 60(2A) inserted (2.7.1998) by [1998 c. 22](#), **ss. 15(3)**, 27(4).**F132** Words in s. 60(2A) substituted (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 19(8)(b)**, 22(1); [S.I. 2006/3201](#), **art. 2(d)****F133** S. 60(3)(a)(b) substituted for words in s. 60(3) (2.7.1998) by [1998 c. 22](#), **ss. 15(4)**, 27(4).**F134** S. 60(3A)(3B) inserted (2.7.1998) by [1998 c. 22](#), **ss. 15(5)**, 27(4).**F135** S. 60(6) inserted (2.7.1998) by [1998 c. 22](#), **ss. 15(6)**, 27(4).**Modifications etc. (not altering text)****C47** S. 60(2) excluded (2.7.1998) by [1998 c. 22](#), **ss. 8(6)**, 27(4).**C48** S. 60(6) modified (1.7.1999) by [S.I. 1999/672](#), **art. 2**, **Sch. 1****61 Directions.**

Any directions under this Act shall be given in writing and may be varied or revoked by subsequent directions.

**62 Expenses.**

There shall be paid out of money provided by Parliament—

- (a) any expenses of the Secretary of State or the National Debt Commissioners attributable to this Act, and
- (b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.



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## 63 Northern Ireland

(1) This Act extends to Northern Ireland (except so far as it amends enactments that do not extend there).

<sup>F136</sup>(2) .....

### Textual Amendments

**F136** S. 63(2) repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

## 64 Repeals.

The enactments mentioned in Schedule 10 are repealed to the extent specified in the third column of that Schedule.

### Commencement Information

**I2** S. 64 wholly in force at 3.5.1994; s. 64 not in force at Royal Assent see s. 65; s. 64 in force at 21.12.1993 to the extent that it relates to specified provisions of Schedule 10 by S.I. 1993/2632, **art. 3**; s. 64 in force in so far as not already in force by S.I. 1994/1055, **art. 2**.

## 65 Commencement.

This Act shall come into force on such date as the Secretary of State may by order appoint; and different dates may be so appointed for different provisions or for different purposes.

### Subordinate Legislation Made

**P2** S. 65 power partly exercised (22.10.1993): 25.10.1993 and 21.12.1993 appointed for specified provisions by S.I. 1993/2632, **arts. 2, 3**  
S. 65 power partly exercised (10.4.1994): 3.5.1994 and 3.10.1994 appointed for specified provisions by S.I. 1994/1055, **arts. 2, 3**  
S. 65 power partly exercised (10.10.1994): 14.11.1994 appointed for specified provisions by S.I. 1994/2659, **art. 2**.

## 66 Short title.

This Act may be cited as the National Lottery etc. Act 1993.

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## SCHEDULES

### SCHEDULE 1

Section 2.

#### LEGALITY ETC. OF LOTTERIES FORMING PART OF THE NATIONAL LOTTERY

##### *The Gaming Act 1968 (c. 65)*

F137<sup>1</sup> . . . . .

#### Textual Amendments

**F137** Sch. 1 para. 1 repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), **Sch. 17** (with ss. 352, 354); [S.I. 2006/3272](#), art. 2(4)(5), **Sch. 3B** (with arts. 7-12, **Sch. 4**) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, **Sch.**)

##### *The Lotteries and Amusements Act 1976 (c. 32)*

F138<sup>2</sup> . . . . .

#### Textual Amendments

**F138** Sch. 1 para. 2 repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), **Sch. 17** (with ss. 352, 354); [S.I. 2006/3272](#), art. 2(4)(5), **Sch. 3B** (with arts. 7-12, **Sch. 4**) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, **Sch.**)

##### *The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (S.I. 1985/1204 (N.I. 11))*

- 3 (1) In Article 2(3) of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (circumstances in which a lottery does not constitute gaming) after “Article 133, 134 or 135” there shall be inserted “ or a lottery forming part of the National Lottery for the purposes of Part I of the National Lottery etc. Act 1993 ”.
- (2) In Article 131 of that Order (illegality of lotteries) after “Schedule 20” there shall be inserted “ and to section 2(1) of the National Lottery etc. Act 1993 ”.
- (3) In Article 132 of that Order (general lottery offences) at the end of paragraph (2) (defences) there shall be added—
- “; or
- (d) that the lottery to which the proceedings relate was a lottery forming part of the National Lottery for the purposes of Part I of the National Lottery etc. Act 1993 or that at the date of the alleged offence the person charged believed, and had reasonable ground for believing, it to be such a lottery.”

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## <sup>F139</sup>SCHEDULE 2

### Textual Amendments

**F139** Sch. 2 repealed (1.4.1999) by 1998 c. 22, ss. 1(2), 26, **Sch. 5 Pt. I**; S.I. 1999/650, **art. 2(c)**

## <sup>F140</sup>SCHEDULE 2A

Section 3A.

### THE NATIONAL LOTTERY COMMISSION

### Textual Amendments

**F140** Sch 2A inserted (1.4.1999) by 1998 c. 22, ss. 1(5), Sch. 1 Pt. II para. 7; S.I. 1999/650, **art. 2(b)**

### Modifications etc. (not altering text)

**C50** Sch. 2A modified (23.9.2006) by The National Lottery Act 2006 (Commencement No. 2 and Transitional Provisions) Order 2006 (S.I. 2006/2630), **art. 3**

### *Status and capacity*

- 1 (1) The Commission shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) The members and employees of the Commission shall not be regarded as civil servants and the Commission's property shall not be regarded as property of, or held on behalf of, the Crown.
- (3) The Commission may for the purpose of enabling them to exercise their functions acquire and dispose of land.
- (4) It shall be within the capacity of the Commission as a body corporate created by statute to do such things and enter into such transactions as are incidental or conducive to the discharge of their functions under this Act.

### *Membership*

- 2 <sup>F141</sup>(1) The Commission shall consist of at least five members, appointed by the Secretary of State.]
- (2) Before appointing a person to be a member, the Secretary of State shall satisfy himself that that person will have no such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member.
- (3) The Secretary of State shall also satisfy himself from time to time with respect to every member that he has no such interest as is mentioned in sub-paragraph (2).
- (4) Any person who is, or whom the Secretary of State proposes to appoint to be, a member shall, whenever requested by the Secretary of State to do so, furnish him with

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such information as the Secretary of State considers necessary for the performance by him of his duties under sub-paragraphs (2) and (3).

#### Textual Amendments

**F141** Sch. 2A para. 2(1) substituted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 1(2), 22(1)**; [S.I. 2006/2630, art. 2\(a\)](#) (with [art. 3](#))

#### *Tenure of office*

- 3 (1) Members shall hold and vacate office in accordance with their terms of appointment, subject to the following provisions.
- (2) Any appointment of a member shall be for a term no longer than five years.
- (3) A member may resign his membership by giving written notice to the Secretary of State.
- (4) A person who ceases to be a member shall be eligible for re-appointment.
- (5) The Secretary of State may by notice in writing to the member concerned remove from office a member who—
- (a) has been absent from three or more consecutive meetings of the Commission without their prior approval,
  - (b) has become bankrupt, has made an arrangement with his creditors, has had his estate sequestrated, has granted a trust deed for his creditors or has made a composition contract with his creditors, or
  - (c) is, in the opinion of the Secretary of State, unable or unfit to perform his duties as a member.

#### *Chairman*

- [<sup>F142</sup> (1) The Secretary of State shall appoint a member of the Commission as chairman.
- (2) A member of the Commission who is also an employee of the Commission may not be appointed as chairman.
- (3) The chairman shall hold and vacate office in accordance with the terms of his appointment; but—
- (a) sub-paragraphs (2) to (5) of paragraph 3 shall apply to the office of chairman as they apply to the office of member, and
  - (b) if the chairman ceases to be a member he shall cease to be chairman.]

#### Textual Amendments

**F142** Sch. 2A para. 4 substituted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 1(3), 22(1)**; [S.I. 2006/2630, art. 2\(a\)](#) (with [art. 3](#))

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### *Remuneration and allowances*

- 5 (1) The Commission may pay such remuneration, and such travelling and other allowances, to a member of the Commission as the Secretary of State may determine in the case of the member.
- (2) Where the Secretary of State so determines in the case of a member of the Commission, the Commission shall—
- (a) pay to or in respect of him such pension, allowances or gratuities, or
  - (b) make such payments towards the provision of a pension, allowances or gratuities to or in respect of him,
- as the Secretary of State may determine.
- (3) If the Secretary of State determines that there are special circumstances that make it right for a person ceasing to be a member of the Commission to receive compensation, the Commission may pay to him such compensation as the Secretary of State may determine.

### *Staff*

- 6 (1) There shall be a Chief Executive of the Commission, who shall be appointed by the Commission as an employee of theirs.
- (2) The Chief Executive shall be responsible to the Commission for the general exercise of the Commission's functions.
- (3) Subject to any directions given to them by the Secretary of State with respect to the number of persons who may be employed by the Commission, the Commission may appoint such other employees as they think fit.
- (4) Subject to any directions given to the Commission by the Secretary of State, the Chief Executive and any other employees shall be employed on such terms and conditions (including terms and conditions as to remuneration) as the Commission think fit.
- (5) Service as an employee of the Commission shall be included in the kinds of employment to which a scheme under section 1 of the <sup>M17</sup>Superannuation Act 1972 can apply.
- (6) Accordingly, in the Superannuation Act 1972, in Schedule 1 (kinds of employment etc referred to in section 1) the following entry shall be inserted at the appropriate place among the entries under the heading "*Royal Commissions and other Commissions*"—
- "National Lottery Commission".
- (7) The Commission shall pay to the Minister for the Civil Service, at such times as that Minister may direct, such sums as that Minister may determine in respect of the increase attributable to sub-paragraphs (5) and (6) in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

#### **Marginal Citations**

**M17** 1972 c. 11.

- [<sup>F143</sup>6A (1) The Secretary of State may appoint the Chief Executive of the Commission as a member.

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- (2) Where the Chief Executive is appointed as a member—
  - (a) paragraph 5 shall not apply to him, and
  - (b) if he ceases to be Chief Executive he ceases to be a member.
- (3) Where the Chief Executive is appointed as a member the Secretary of State may, on the recommendation of the Commission, appoint another employee of the Commission as a member; and—
  - (a) paragraph 5 shall not apply to a person appointed by virtue of this sub-paragraph,
  - (b) the Secretary of State may suspend or terminate an appointment made by virtue of this sub-paragraph if the Chief Executive ceases to be a member, and
  - (c) if a person appointed by virtue of this sub-paragraph ceases to be an employee of the Commission he shall cease to be a member.]

#### **Textual Amendments**

**F143** Sch. 2A para. 6A inserted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), [ss. 1\(4\), 22\(1\)](#); [S.I. 2006/2630](#), [art. 2\(a\)](#) (with [art. 3](#))

#### *Proceedings*

- 7 (1) The Commission may regulate their own procedure and that of any of their committees (and in particular may specify a quorum for meetings).
- (2) The validity of any proceedings of the Commission shall not be affected—
  - (a) by any vacancy among the members or in the office of chairman, or
  - (b) by any defect in the appointment or selection of any person as a member or as chairman of the Commission.

#### *Delegation*

- 8 (1) Anything authorised or required by or under any enactment to be done by the Commission may be done—
  - (a) by any member or employee of the Commission who has been authorised for the purpose, whether generally or specially, by the Commission; or
  - (b) by any committee of the Commission which has been so authorised and whose membership consists of—
    - (i) members of the Commission; or
    - (ii) one or more members of the Commission and one or more employees of the Commission.
- (2) In exercising their functions under sub-paragraph (1), the Commission shall comply with any directions given to them by the Secretary of State.

#### *Duty to give reasons for decisions*

- 9 (1) It shall be the duty of the Commission to give to any person affected a written statement of their reasons for any decisions which they may make in the exercise of their functions under sections 5 to 10 or Schedule 3.

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- (2) It shall be the duty of the Commission to arrange for the publication, in such manner as they think fit, of a written statement of their reasons—
- (a) for any decision which they may make to grant, or not to grant, to any particular applicant a licence under section 5;
  - (b) for any decision which they may make to revoke a licence granted under section 5; and
  - (c) for any other decision which they may make in the exercise of their functions under sections 5 to 10A or Schedule 3 and which they consider likely to be of interest to the public.
- (3) Sub-paragraphs (1) and (2) do not apply if or to the extent that the giving, or (as the case may be) the publication, of reasons would involve disclosure of information in breach of—
- (a) a restriction imposed by or under any other enactment; or
  - (b) an obligation of confidence.

#### *Finance*

- 10        There shall be paid out of money provided by Parliament such sums as are necessary to defray any expenditure of the Commission.

#### *Accounts*

- 11        (1) The Commission shall—
- (a) keep proper accounts and proper records in relation to the accounts, and
  - (b) prepare a statement of accounts in respect of each financial year.
- (2) The statement shall comply with any directions that may be given by the Secretary of State as to the information to be contained in such a statement, the manner in which such information is to be presented or the methods and principles according to which such a statement is to be prepared.
- (3) Copies of the statement shall be sent to the Secretary of State and the Comptroller and Auditor General within such period after the end of the financial year to which the statement relates as the Secretary of State may direct.
- (4) The Comptroller and Auditor General shall examine, certify and report on the statement and shall lay copies of the statement and of his report before Parliament.
- (5) The Secretary of State shall not give a direction under this paragraph without the Treasury's approval.
- (6) In this paragraph “financial year” means—
- (a) the period beginning with the coming into force of section 3A and ending with the next 31st March, and
  - (b) each successive period of twelve months ending with 31st March.

#### *Application of seal and evidence*

- 12        The application of the seal of the Commission shall be authenticated by the signature—
- (a) of any member of the Commission, or



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- (b) of any other person who has been authorised by the Commission (whether generally or specially) for that purpose.
- 13 A document purporting to be duly executed under the seal of the Commission, or to be signed on behalf of the Commission, shall be received in evidence and, unless the contrary is proved, taken to be so executed or signed.
- 14 Paragraphs 12 and 13 do not extend to Scotland.]

## SCHEDULE 3

Section 10.

## REVOCATION OF LICENCES

## PART I

## DISCRETIONARY GROUNDS FOR REVOCATION

- 1 A condition in the licence has been contravened.
- 2 Any information given by the licensee to the Director General—
- (a) in or in connection with the application for the licence,
  - (b) in pursuance of a condition in the licence, or
  - (c) in making representations under section 8(2) or Part II of this Schedule,
- was false in a material particular.
- 3 (1) A proposal for a voluntary arrangement under Part I of the <sup>M18</sup>Insolvency Act 1986 or Part II of the <sup>M19</sup>Insolvency (Northern Ireland) Order 1989 has been made in relation to the licensee.
- (2) A petition <sup>F144</sup>... for the winding up of the licensee has been presented to the court.
- (3) A resolution for the voluntary winding up of the licensee has been passed.
- (4) A receiver or manager of the whole or any part of the licensee's property has been appointed.
- [<sup>F145</sup>(5) An administration application has been made or a notice of intention to appoint an administrator or a notice of an appointment of an administrator under paragraph 14 or 22 of Schedule B1 to the Insolvency Act 1986 (c. 45) has been filed.]

**Textual Amendments**

**F144** Words in Sch. 3 para. 3(2) omitted (15.9.2003) by virtue of [The Enterprise Act 2002 \(Insolvency\) Order 2003 \(S.I. 2003/2096\)](#), art. 1(1), [Sch. para. 21\(a\)](#) (with art. 6)

**F145** Sch. 3 para. 3(5) inserted (15.9.2003) by [The Enterprise Act 2002 \(Insolvency\) Order 2003 \(S.I. 2003/2096\)](#), art. 1(1), [Sch. para. 21\(b\)](#) (with art. 6)

**Marginal Citations**

**M18** 1986 c. 45.

**M19** S.I. 1989/2405 (N.I. 19).

- 4 In the case of a licence granted under section 5—

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- (a) the licensee is not providing or proposing to provide facilities that are necessary or desirable for running the National Lottery;
  - (b) any person who is managing the business or any part of the business of running the National Lottery under the licence is not a fit and proper person to do so;
  - (c) any person for whose benefit that business is carried on is not a fit and proper person to benefit from it.
- 5 In the case of a licence granted under section 6—
- (a) the licensee is not taking or proposing to take steps that are necessary or desirable for preventing the commission of fraud by participants in any lottery promoted under the licence;
  - (b) a person who is managing the business or any part of the business of promoting lotteries under the licence is not a fit and proper person to do so;
  - (c) a person for whose benefit that business is carried on is not a fit and proper person to benefit from it.

## PART II

### PROCEDURE AND APPEALS

#### *Notice of proposed revocation*

- 6 (1) Where the Director General proposes to revoke a licence, he shall serve a notice on the licensee stating—
- (a) that he proposes to revoke the licence,
  - (b) the ground or grounds for revocation,
  - (c) that the licensee may within the period of twenty-one days beginning with the date of the notice either make written representations about the matter to him or notify him in writing of the licensee's intention to make oral representations, <sup>F146</sup> . . .
  - <sup>F147</sup> [(cc) that the right of appeal conferred by paragraph 11 is dependent on the licensee having made such written or oral representations, and]
  - (d) the effect of sub-paragraph (2).
- (2) If, within the period mentioned in sub-paragraph (1)(c), the Director General receives neither written representations nor written notification of the licensee's intention to make oral representations, the revocation shall take effect at the end of that period.

#### Textual Amendments

**F146** Word in Sch. 3 Pt. II para. 6(1)(c) repealed (2.9.1998) by 1998 c. 22, ss. 4(2), 26, 27(5), Sch. 5 Pt. II.

**F147** Sch. 3 Pt. II para. 6(1)(cc) inserted (2.9.1998) by 1998 c. 22, ss. 4(2), 27(5).

#### *Suspension of licence*

- 7 (1) The Director General may suspend a licence as from the date of any notice served in respect of it under paragraph 6 if—
- (a) he reasonably believes that the ground or any of the grounds specified in the notice involves fraud by the licensee, or

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- (b) the ground or one of the grounds specified in the notice is the ground set out in paragraph 5(a).
- (2) Where a licence is suspended under this paragraph—
  - (a) the suspension shall last until the revocation takes effect or the Director General decides not to revoke the licence [<sup>F148</sup>or an appeal against the revocation is allowed], and
  - (b) the notice shall inform the licensee accordingly.

#### Textual Amendments

**F148** Words in Sch. 3 Pt. II para. 7(2)(a) substituted (2.9.1998) by 1998 c. 22, ss. 4(3), 27(5).

#### *Decision by the Director General*

- 8 (1) The Secretary of State may make regulations as to the procedure to be followed where a licensee's intention to make oral representations is notified to the Director General as mentioned in paragraph 6(1)(c).
- (2) The regulations may in particular make provision—
  - (a) for the revocation of the licence to take effect if the licensee fails to comply with any requirements imposed by or under the regulations, and
  - (b) as to the hearing by the Director General of oral representations.
- 9 (1) If any written representations against the revocation of a licence are made as mentioned in paragraph 6(1)(c) or any oral representations against the revocation of a licence are made in accordance with regulations under paragraph 8, the Director General shall after taking the representations into account—
  - (a) decide whether or not to revoke the licence, and
  - (b) serve a further notice on the licensee informing the licensee of his decision and (if the case so requires) of the effect of sub-paragraph (2).
- (2) Where the decision is to revoke the licence, the revocation shall not take effect—
  - (a) until the end of such period as may be specified in the further notice, or
  - <sup>F149</sup>(b) if the licensee appeals within that period against the revocation and the court makes an order under paragraph 11(2), until such time as is specified in the order,

whichever is the later.]
- (3) The period specified in the further notice shall be a period of at least twenty-eight days beginning with the date of that notice.

#### Textual Amendments

**F149** Sch. 3 Pt. II para. 9(2)(b) substituted (2.9.1998) by 1998 c. 22, ss. 4(4), 27(5).

#### *Appeals to the Secretary of State*

<sup>F150</sup>10 .....

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#### Textual Amendments

**F150** Sch. 3 Pt. II para. 10 repealed (2.9.1998) by 1998 c. 22, ss. 4(5), 26, 27(5), Sch. 5 Pt. II.

### *[<sup>F151</sup> Appeals]*

#### Textual Amendments

**F151** Crossheading and para. 11 in Sch. 3 inserted (2.9.1998) by 1998 c. 22, ss. 4(6), 27(5)

- <sup>F152</sup>[11 (1) Where the Director General decides under paragraph 9 to revoke a licence, the licensee may appeal against the decision on the grounds—
- (a) that the Director General made an error as to the facts,
  - (b) that there was a material procedural error, or
  - (c) that the Director General made some other error of law.
- (2) Where a licensee appeals under this paragraph, the powers of the court pending the withdrawal or final disposal of the appeal shall include power, on the application of the licensee or the Director General, to make an order, if the court considers it just and equitable to do so in all the circumstances of the case, preventing the revocation taking effect until such time as may be specified in the order.
- (3) An appeal under this paragraph lies to the High Court or, in Scotland, to the Court of Session.
- (4) Any appeal under this paragraph to the Court of Session shall be heard in the Outer House.]

#### Textual Amendments

**F152** Sch. 3Pt. II para. 11 inserted (2.9.1998) by 1998 c. 22, ss. 4(6), 27(5)

### <sup>F153</sup>[SCHEDULE 3A

Section 25B.

#### JOINT SCHEMES: SUPPLEMENTARY PROVISIONS

#### Textual Amendments

**F153** Sch. 3A inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

### *<sup>F154</sup> Interpretation*

#### Textual Amendments

**F154** Crossheading inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

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<sup>F155</sup><sub>1</sub> In this Schedule “year” means any period of twelve months.

#### Textual Amendments

**F155** Sch. 3A para. 1 inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

<sup>F156</sup> *Authorisation or approval by Secretary of State*

#### Textual Amendments

**F156** Crossheading inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

- <sup>F157</sup><sub>2</sub> (1) Where the maximum amount of money which could be distributed under section 25(1) under a particular joint scheme in any year exceeds £15 million, the joint scheme shall not have effect unless the Secretary of State makes an order authorising the scheme.
- (2) Where the maximum amount of money which could be distributed under section 25(1) under a particular joint scheme in any year does not exceed the amount for the time being specified in sub-paragraph (1), the joint scheme shall not have effect unless the Secretary of State gives his written approval.
- (3) In determining for the purposes of this Schedule the maximum amount of money which may be distributed under section 25(1) in any year under a joint scheme, any administrative expenses incurred in distributing such money under the scheme shall be brought into account.
- (4) The Secretary of State shall only—
- make an order under sub-paragraph (1) authorising a joint scheme, or
  - give his approval under sub-paragraph (2) to a joint scheme,
- on an application made for the purpose by the bodies proposing to participate in the joint scheme.
- (5) The Secretary of State may by order amend sub-paragraph (1) so as to increase the amount for the time being specified in that sub-paragraph.
- [ The Secretary of State’s functions under sub-paragraphs (1) and (2) shall, in relation
- <sup>F158</sup>(6) to any particular joint scheme applying—
- only in Scotland; or
  - in one or more parts of the United Kingdom, including Scotland,
- be treated as exercisable in or as regards Scotland and may be exercised separately.]

#### Textual Amendments

**F157** Sch. 3A para. 2 inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

**F158** Sch. 3A para. 2(6) added (30.6.1999) by S.I. 1999/1756, arts. 1(1), 2, **Sch. para. 15(12)** (with art. 8); S.I. 1998/3178, **art. 3**

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

**C51** Sch. 3A para. 2(1) (as read with Sch. 3A para. 2(6)(a)): 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**

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Sch. 3A para. 2(1) (as read with Sch. 3A para. 2(6)(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**

Sch. 3A para. 2(1): transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

Sch. 3A para. 2(1): functions amended (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**

**C52** Sch. 3A para. 2(2) (as read with Sch. 3A para. 2(6)(a)): 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**

Sch. 3A para. 2(2) (as read with Sch. 3A para. 2(6)(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**

Sch. 3A para. 2(2): transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

Sch. 3A para. 2(2): functions amended (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**

### *F159 Contents of authorisations and approvals*

#### **Textual Amendments**

**F159** Crossheading inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

- F160**<sup>3</sup> An order under paragraph 2(1) or an approval under paragraph 2(2) shall—
- (a) contain a brief description of the nature and purposes of the joint scheme,
  - (b) identify the area within the United Kingdom to which the scheme applies,
  - (c) specify the maximum amount of money which may be distributed under section 25(1) in any year under the scheme,
  - (d) identify the bodies participating in the scheme,
  - (e) state the proportions in which the money to be distributed under section 25(1) under the scheme is attributable to each of those bodies, and
  - (f) state the duration of the scheme, if its duration is limited.

#### **Textual Amendments**

**F160** Sch. 3A para. 3 inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

### *F161 Effect of increasing annual limit on schemes authorised by order*

#### **Textual Amendments**

**F161** Crossheading inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

- F162**<sup>4</sup> Where—
- (a) a joint scheme is authorised by an order under sub-paragraph (1) of paragraph 2, and
  - (b) that sub-paragraph is amended by an order under sub-paragraph (5) of that paragraph, and
  - (c) the maximum amount of money which may be distributed under section 25(1) in any year under the scheme does not exceed the amount specified in paragraph 2(1) as so amended,
- the scheme shall be treated for the purposes of this Schedule as if the maximum amount of money which may be distributed under section 25(1) in any year

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under the scheme continued to exceed the amount for the time being specified in paragraph 2(1).

#### Textual Amendments

**F162** Sch. 3A para. 4 inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

#### *F163 Powers*

#### Textual Amendments

**F163** Crossheading inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

- F164**<sup>5</sup> (1) The powers conferred by section 25A may, in particular, be exercised by a body for the purpose of running or otherwise participating in a joint scheme.
- (2) The powers conferred on a body by section 25B and this Schedule are in addition to, and shall not derogate from, any powers which the body has apart from that section and this Schedule.

#### Textual Amendments

**F164** Sch. 3A para. 5 inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

#### *F165 Modification*

#### Textual Amendments

**F165** Crossheading inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

- F166**<sup>6</sup> (1) A joint scheme may be modified by the bodies participating in the scheme, but if any such modifications—
- (a) in the opinion of the Secretary of State, substantially alter the nature or purposes of the scheme,
  - (b) alter the area within the United Kingdom to which the scheme applies,
  - (c) increase the maximum amount of money which may be distributed under section 25(1) in any year under the scheme,
  - (d) vary the proportions in which the money to be distributed under section 25(1) under the scheme is attributable to each of the bodies participating in the scheme, or
  - (e) extend the duration of the scheme,
- the scheme shall not have effect with those modifications unless the Secretary of State makes an order under paragraph 2(1) or, as the case may require, gives his approval under paragraph 2(2) in relation to the scheme as so modified.
- (2) In determining for the purposes of sub-paragraph (1) whether the case requires an order under paragraph 2(1) or approval under paragraph 2(2), paragraph 4 shall be disregarded.



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#### Textual Amendments

**F166** Sch. 3A para. 6 inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

#### <sup>F167</sup>Termination

#### Textual Amendments

**F167** Crosshading inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

- <sup>F168</sup>7 (1) If, in the case of a joint scheme authorised by an order under paragraph 2(1), the Secretary of State revokes the order, the scheme shall terminate on the date on which the revocation takes effect.
- (2) If, in the case of a joint scheme approved under paragraph 2(2), the Secretary of State gives notice of withdrawal of his approval to each body participating in the scheme, the scheme shall terminate on the date on which the withdrawal of approval takes effect.
- (3) The Secretary of State may terminate a joint scheme in accordance with sub-paragraph (1) or (2)—
- (a) of his own motion, or
  - (b) on the application of one or more of the bodies participating in the scheme.

#### Textual Amendments

**F168** Sch. 3A para. 7 inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

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

- C53** Sch. 3A para. 7(1): transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**  
Sch. 3A para. 7(1): functions amended (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**
- C54** Sch. 3A para. 7(2): transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**  
Sch. 3A para. 7(2): functions amended (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**

#### <sup>F169</sup>Orders under s.29(1): participant ceasing to be distributing body

#### Textual Amendments

**F169** Crosshading inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

- <sup>F170</sup>8 (1) This paragraph applies in any case where an order under section 29(1) affects a body which, immediately before the order comes into force, is participating in a joint scheme.
- (2) In any such case, the Secretary of State may by order under section 29(1)—
- (a) make provision amending the joint scheme, or
  - (b) revoke the joint scheme.
- (3) The provision that may be made by virtue of sub-paragraph (2)(a) includes—

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- (a) provision varying the bodies participating in the joint scheme;
  - (b) provision varying the proportions in which the money to be distributed under section 25(1) under the scheme is attributable to each of the bodies participating in the joint scheme; and
  - (c) provision for all or any of the actual or contingent rights or liabilities of a body which are attributable to the joint scheme to become rights or liabilities of another body participating in the scheme as amended.
- (4) No provision shall be made by virtue of sub-paragraph (2)(a) without the written agreement of the bodies which, if the provision were made, would be the participants in the joint scheme as amended.
- (5) This paragraph is without prejudice to section 60(5) or paragraph 9.

#### Textual Amendments

**F170** Sch. 3A para. 8 inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

*<sup>F171</sup> Authorisation to continue payments despite occurrence of certain events*

#### Textual Amendments

**F171** Crossheading inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

- <sup>F1729</sup> (1) This paragraph applies in any case where—
- (a) on an application for a distribution of money under section 25(1), a decision under a joint scheme to make such a distribution has been notified to the applicant, but
  - (b) an event falling within sub-paragraph (2) (“the relevant event”) occurs before the whole of the distribution has been made.
- (2) The events which fall within this sub-paragraph are—
- (a) that, by virtue of an order under section 29(1), any of the bodies participating in the scheme ceases to be specified in subsection (1), (2), (3) or (4) (as the case may be) of section 23,
  - (b) that the joint scheme terminates under paragraph 7, or
  - (c) that the joint scheme is revoked under paragraph 8(2)(b).
- (3) Where this paragraph applies, the Secretary of State may authorise any of the bodies which were participating in the joint scheme immediately before the relevant event occurred to continue making distributions of money under section 25(1) in pursuance of the decision mentioned in sub-paragraph (1)(a) as if the relevant event had not occurred.
- (4) Where the Secretary of State gives an authorisation under sub-paragraph (3) in relation to any distributions of money under section 25(1), the other provisions of this Act shall have effect in relation to those distributions as if the relevant event had not occurred.
- (5) An authorisation under this paragraph accordingly extends to the defrayal of any administrative expenses incurred in making the distributions concerned.

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(6) This paragraph is without prejudice to section 60(5) or paragraph 8.

(7) Any authorisation under this paragraph must be in writing.]

#### Textual Amendments

**F172** Sch. 3A para. 9 inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

## SCHEDULE 4

Section 36.

### AMENDMENT OF THE NATIONAL HERITAGE ACT 1980 (C.17)

- 1 In section 1(2) (constitution of the Trustees of the National Heritage Memorial Fund) for “ten” there shall be substituted “fourteen”.
- 2 In section 2 (payments into the National Heritage Memorial Fund) after subsection (1) there shall be inserted—  
 “(1A) The Trustees shall pay into the Fund any sums paid to them under section 24 of the National Lottery etc. Act 1993.”

**F173**<sub>3</sub> .....

#### Textual Amendments

**F173** Sch. 4 para. 3 repealed (4.3.1998) by 1997 c. 14, s. 3, Sch. Pt. I para. 6; S.I. 1998/292, art. 2.

**F174**<sub>4</sub> .....

#### Textual Amendments

**F174** Sch. 4 para. 4 repealed (4.3.1998) by 1997 c. 14, s. 3, Sch. Pt. I para. 6; S.I. 1998/292, art. 2.

- 5 In section 6(2) (investment of sums paid into the National Heritage Memorial Fund under section 2(1)) after “section 2(1)” there shall be inserted “or (1A)”.
- 6 In section 17 (expenses and receipts) after “and” there shall be inserted “subject to section 3(6A) above”.
- 7 In paragraph 5(1) of Schedule 1 (expenses of Trustees to be defrayed out of the National Heritage Memorial Fund) for “under this Act shall” there shall be substituted “may”.

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## THE BIG LOTTERY FUND

**Textual Amendments****F175** Sch. 4A inserted (1.8.2006) by [National Lottery Act 2006 \(c. 23\)](#), s. 22(1), [Sch. 2](#); S.I. 2006/2177, art. 2**PART 1**

## CONSTITUTION

*Membership*

- 1 (1) The Big Lottery Fund shall consist of 12 members appointed by the Secretary of State.
- (2) The Secretary of State shall appoint one of the members as Chairman.
- (3) The 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 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
  - (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 Secretary of State may by order vary the number specified in sub-paragraph (1).
- (6) Before making an order under sub-paragraph (5) the 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.

*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).

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- 3       The Chairman or another member may resign his office by notice in writing to the Secretary of State.
- 4       (1) The Chairman or another member may be removed from office by the Secretary of State on the grounds that—
- (a) a bankruptcy order has been made against him, 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 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 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).
- 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 section 36E(3)(b)).

#### *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 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 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.
- 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. ”
- 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).

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### *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 Secretary of State may determine, and  
(b) such travelling and other allowances as the Secretary of State may determine.
- (2) The Fund may pay to or in respect of the Chairman or another member such sums as the Secretary of State may determine by way of, or in respect of, pensions, allowances or gratuities.
- (3) If the 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 Secretary of State may determine.
- 18 (1) The Fund may (subject to any directions under section 36E(3)(b)) 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. ”

### *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).



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### *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, and
  - (b) prepare a statement of accounts in respect of each financial year.
- (2) The Fund shall send a copy of a statement under sub-paragraph (1)(b)—
- (a) to the 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
  - (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 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.]

## F176 SCHEDULE 5

Section 37.

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### Textual Amendments

**F176** Sch. 5 repealed (1.12.2006) by National Lottery Act 2006 (c. 23), ss. 19(9)(a), 22(1), Sch. 3; S.I. 2006/3201, art. 2(d)(e)

## F177 SCHEDULE 6

Section 40.

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### Textual Amendments

**F177** Sch. 6 repealed (1.12.2006) by National Lottery Act 2006 (c. 23), ss. 19(9)(b), 22(1), Sch. 3; S.I. 2006/3201, art. 2(d)(e)

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<sup>F178</sup> SCHEDULE 6A

Section 43A.

**Textual Amendments**

**F178** Sch. 6A repealed (1.12.2006) by National Lottery Act 2006 (c. 23), ss. 19(9)(c), 22(1), Sch. 3; S.I. 2006/3201, art. 2(d)(e)

<sup>F179</sup> SCHEDULE 7

Section 48.

**Textual Amendments**

**F179** Schs. 7-9 repealed (1.9.2007) by Gambling Act 2005 (c. 19), s. 358(1), Sch. 17 (with ss. 352, 354); S.I. 2006/3272, art. 2(4)(5), Sch. 3B (with arts. 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

<sup>F179</sup> SCHEDULE 8

Section 49.

<sup>F179</sup> SCHEDULE 9

Section 50.

SCHEDULE TO BE INSERTED IN THE 1976 ACT AFTER SCHEDULE 2

“SCHEDULE 2A

SCHEDULE 10

Section 64.

REPEALS

**Commencement Information**

**I3** Sch. 10 wholly in force at 3.5.1994; Sch. 10 not in force at Royal Assent see s. 65; provisions in Sch. 10 relating to the Revenue Act 1898 and the National Heritage Act 1980 in force at 21.12.1993 by S.I. 1993/2632, art. 3; Sch. 10 in force at 3.5.1994 in so far as not already in force by S.I. 1994/1055, art. 2.

Chapter

Short title

Extent of repeal

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*Status: Point in time view as at 01/09/2007.*

**Changes to legislation:** National Lottery etc. Act 1993 is up to date with all changes known to be in force on or before 19 June 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)

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61 & 62 Vict. c. 46.	The Revenue Act 1898.	Section 1 so far as it applies in the British Islands outside the United Kingdom and section 6(2).
1976 c. 32.	The Lotteries and Amusements Act 1976.	<p>In section 5(3), paragraph (d) and the word “and” immediately preceding it.</p> <p>Section 9.</p> <p>In section 13(4), the words “or of section 11(6) or (8) above”.</p> <p>In section 18(1), at the end of paragraph (e) the word “and”.</p> <p>In Schedule 1, paragraph 1(1).</p> <p>In Schedule 2, paragraphs 2 and 3(1)(a) and (c)(iii).</p>
1980 c. 17.	The National Heritage Act 1980.	In section 3(6)(d), the words from “acting” to “1979”.

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**Status:**

Point in time view as at 01/09/2007.

**Changes to legislation:**

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