



National Lottery etc. Act 1993

1993 CHAPTER 39

PART II

DISTRIBUTION OF THE NET PROCEEDS OF THE NATIONAL LOTTERY

Reports and accounts of distributing bodies

34 ^{F1} Annual reports by distributing bodies

(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.

[^{F2}(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.

^{F3}(4)

[^{F4}(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.]

[^{F5}(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.]

^{F6}(7)

Textual Amendments

- F1** 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)
- F2** 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)
- F3** S. 34(4) repealed (1.12.2006) by National Lottery Act 2006 (c. 23), ss. 19(4)(a), 22(1), **Sch. 3**; S.I. 2006/3201, art. 2(d)(e)
- F4** 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**
- F5** 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**
- F6** S. 34(7) omitted (9.11.2016) by virtue of The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), art. 1(2), **Sch. 2 para. 9(4)** (with art. 12)

Modifications etc. (not altering text)

- C1** 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**
- C2** S. 34 functions transferred (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), arts. 1(2), **10(2)(c)** (with arts. 10(3), 11, 12)
- C3** S. 34(3) modified (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

35 Accounts of distributing bodies other than [^{F7}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.

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(7) This section does not apply to [^{F8}the Big Lottery Fund] .

[^{F9}(8) The functions of the Secretary of State–

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

- F7** 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\(d\)](#)
- F8** 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\(d\)](#)
- F9** 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)

- C4** 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](#)
- C5** 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](#)
- C6** S. 35(5) modified (1.7.1999) by [S.I. 1999/672, art. 2, Sch. 1](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5-6A substituted for s. 5 6 by [2006 c. 23 Sch. 1 para. 4](#) (Section 6 provides for Schedule 1 to be commenced by an order under that section rather than under the normal commencement provision (section 22). In particular, it requires the order to be subject to negative resolution procedures. Schedule 1 is to be commenced in this different way to reflect the intention that the Secretary of State will not commence Schedule 1 immediately but only if she considers that the current licensing structure has failed in creating an effective competition for the licence under section 5 of the 1993 Act to run the National Lottery and so risks failing to maximise returns to good causes.)
- s. 7(3A) inserted by [2006 c. 23 Sch. 1 para. 5\(5\)](#) (Section 6 provides for Schedule 1 to be commenced by an order under that section rather than under the normal commencement provision (section 22). In particular, it requires the order to be subject to negative resolution procedures. Schedule 1 is to be commenced in this different way to reflect the intention that the Secretary of State will not commence Schedule 1 immediately but only if she considers that the current licensing structure has failed in creating an effective competition for the licence under section 5 of the 1993 Act to run the National Lottery and so risks failing to maximise returns to good causes.)