

**Changes to legislation:** National Lottery etc. Act 1993, Schedule 3A is up to date with all changes known to be in force on or before 01 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### <sup>F1</sup>SCHEDULE 3A

Section 25B.

#### JOINT SCHEMES: SUPPLEMENTARY PROVISIONS

##### Textual Amendments

**F1** Sch. 3A inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

##### <sup>F2</sup>Interpretation

##### Textual Amendments

**F2** Crossheading inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

<sup>F3</sup>**1** In this Schedule “year” means any period of twelve months.

##### Textual Amendments

**F3** Sch. 3A para. 1 inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

##### <sup>F4</sup> Authorisation or approval by Secretary of State

##### Textual Amendments

**F4** Crossheading inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

- <sup>F5</sup>**2**
- (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—
    - (a) make an order under sub-paragraph (1) authorising a joint scheme, or

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- (b) 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>F6</sup>(6) to any particular joint scheme applying—
- (a) only in Scotland; or
  - (b) 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

- F5** Sch. 3A para. 2 inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.
- F6** 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)

- C1** 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**  
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**
- C2** 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**

#### <sup>F7</sup>Contents of authorisations and approvals

#### Textual Amendments

- F7** Crossheading inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

- <sup>F83</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.

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#### Textual Amendments

**F8** Sch. 3A para. 3 inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

#### <sup>F9</sup>Effect of increasing annual limit on schemes authorised by order

#### Textual Amendments

**F9** Crossheading inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

<sup>F10</sup>4

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

#### Textual Amendments

**F10** Sch. 3A para. 4 inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

#### <sup>F11</sup>Powers

#### Textual Amendments

**F11** Crossheading inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

- <sup>F12</sup>5
- (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

**F12** Sch. 3A para. 5 inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

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### *<sup>F13</sup> Modification*

#### **Textual Amendments**

**F13** Crossheading inserted (2.7.1998) by [1998 c. 22, s. 12\(3\)](#), [Sch. 3](#).

- <sup>F14</sup>6 (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.

#### **Textual Amendments**

**F14** Sch. 3A para. 6 inserted (2.7.1998) by [1998 c. 22, s. 12\(3\)](#), [Sch. 3](#).

### *<sup>F15</sup> Termination*

#### **Textual Amendments**

**F15** Crossshading inserted (2.7.1998) by [1998 c. 22, s. 12\(3\)](#), [Sch. 3](#).

- <sup>F16</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.

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#### Textual Amendments

**F16** Sch. 3A para. 7 inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

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

**C3** 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**

**C4** 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>F17</sup>Orders under s.29(1): participant ceasing to be distributing body*

#### Textual Amendments

**F17** Crossheading inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

- <sup>F18</sup>g (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—
- (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

**F18** Sch. 3A para. 8 inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

*<sup>F19</sup>Authorisation to continue payments despite occurrence of certain events*

#### Textual Amendments

**F19** Crossheading inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

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- <sup>F20</sup>9 (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.
- (6) This paragraph is without prejudice to section 60(5) or paragraph 8.
- (7) Any authorisation under this paragraph must be in writing.]

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**Textual Amendments**

**F20** Sch. 3A para. 9 inserted (2.7.1998) by 1998 c. 22, s. 12(3), [Sch. 3](#).

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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.)