



National Lottery etc. Act 1993

1993 CHAPTER 39

PART II

DISTRIBUTION OF THE NET PROCEEDS OF THE NATIONAL LOTTERY

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.

^{F1}[(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) [^{F2}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.

^{F3}[(4A) Directions under subsection (3A) may in particular—

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- (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.

[^{F4}(6) This section does not apply to the Big Lottery Fund.]

Textual Amendments

- F1** S. 26(3A) inserted (2.7.1998) by 1998 c. 22, **ss. 11(2)**, 27(4).
- F2** Words in s. 26(4) inserted (2.7.1998) by 1998 c. 22, **s. 11(3)**.
- F3** S. 26(4A) inserted (2.7.1998) by 1998 c. 22, **ss.11(4)**, 27(4).
- F4** 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)

- C1** 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**
 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**
- C2** S. 26(1)(5): transfer of certain functions (1.7.1999) by S.I. 1999/672, **art. 2, Sch. 1**
- C3** S. 26(1) functions made exercisable concurrently or jointly with the Welsh Ministers by 2006 c. 32, Sch. 3A para. 1 (as inserted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 4 para. 1** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, **reg. 3(p)**)
- C4** 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**
- C5** S. 26(2) functions made exercisable concurrently or jointly with the Welsh Ministers by 2006 c. 32, Sch. 3A para. 1 (as inserted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 4 para. 1** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, **reg. 3(p)**)
- C6** 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**
- C7** 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**
- C8** 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**
- C9** 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**

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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](#)

C10 S. 26(5) functions made exercisable concurrently or jointly with the Welsh Ministers by 2006 c. 32, Sch. 3A para. 1 (as inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), [Sch. 4 para. 1](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 3(p))

Commencement Information

I1 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](#)

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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.)