



National Lottery etc. Act 1993

1993 CHAPTER 39

PART II

DISTRIBUTION OF THE NET PROCEEDS OF THE NATIONAL LOTTERY

[^{F1}The Big Lottery Fund]

[^{F1}36E Directions

- (1) In exercising any of its functions the Big Lottery Fund shall comply with any direction given to it [^{F2}by the Secretary of State (subject to subsection (4))]
- [^{F3}(2) A direction under this section may, in particular, specify matters to be taken into account in determining the person to whom, the purposes for which and the conditions subject to which the Fund distributes money.]
- (3) A direction under [^{F4}this section may, in particular] —
 - (a) relate to the management and control of money received by the Fund;
[relate to the employment of staff;]
 - ^{F5}(ab)
^{F6}(b)
 - (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 [^{F7}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;
 - (iii) require the Fund to provide information to the Secretary of State.

Changes to legislation: National Lottery etc. Act 1993, Section 36E is up to date with all changes known to be in force on or before 26 April 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

- (4) A direction under [^{F8}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 [^{F9}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 [^{F10}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 [^{F11}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

- F1** 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)
- F2** Words in s. 36E(1) substituted (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), art. 1(2), **Sch. 2 para. 9(7)** (with art. 12)
- F3** S. 36E(2) substituted (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), art. 1(2), **Sch. 2 para. 9(8)** (with art. 12)
- F4** Words in s. 36E(3) substituted (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), art. 1(2), **Sch. 2 para. 9(9)(a)** (with art. 12)
- F5** S. 36E(3)(ab) inserted (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), art. 1(2), **Sch. 2 para. 9(9)(b)** (with art. 12)
- F6** S. 36E(3)(b) omitted (13.4.2011) by virtue of The Transfer of Functions (Big Lottery Fund) Order 2011 (S.I. 2011/739), art. 1(2), **Sch. para. 7(4)(b)** (with art. 3)
- F7** Words in s. 36E(3)(d) substituted (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), art. 1(2), **Sch. 2 para. 9(9)(c)** (with art. 12)
- F8** Words in s. 36E(4) substituted (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), art. 1(2), **Sch. 2 para. 9(10)** (with art. 12)
- F9** Words in s. 36E(5) substituted (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), art. 1(2), **Sch. 2 para. 9(11)** (with art. 12)

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F10 Words in s. 36E(7) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 9(12)** (with art. 12)

F11 Words in s. 36E(8)(b) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 9(13)** (with art. 12)

Modifications etc. (not altering text)

C1 S. 36E 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)

Changes to legislation:

National Lottery etc. Act 1993, Section 36E is up to date with all changes known to be in force on or before 26 April 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.

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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.)