

SCHEDULES

SCHEDULE 1

Section 1.

REPLACEMENT OF DIRECTOR GENERAL BY COMMISSION: SUPPLEMENTARY PROVISIONS

PART I

TRANSFERS ETC

Interpretation

- 1 In this Part of this Schedule—
- “the appointed day” means the day on which subsection (4) of the principal section comes into force under section 27(3) of this Act;
 - “the Commission” means the National Lottery Commission;
 - “the Director General” means the Director General of the National Lottery;
 - “instrument” includes orders, rules, regulations, schemes, licences, agreements and other documents;
 - “the principal section” means section 1 of this Act.

Transfer of property, rights and liabilities

- 2 On the appointed day, there shall by virtue of this paragraph be transferred to the Commission any property, rights or liabilities to which, immediately before that day, the Director General was entitled or subject in connection with any functions transferred to the Commission by the principal section.

Transfer of staff

- 3 (1) This paragraph applies to any person who, immediately before the appointed day, is employed by virtue of paragraph 3 of Schedule 2 to the 1993 Act.
- (2) Any contract of employment under which a person to whom this paragraph applies is so employed shall have effect as from the appointed day as if it had originally been made between him and the Commission.
- (3) Without prejudice to sub-paragraph (2) above—
- (a) all the rights, powers, duties and liabilities of the employer under or in connection with a contract to which that sub-paragraph applies shall by virtue of that sub-paragraph be transferred to the Commission on the appointed day, and
 - (b) anything done before that day by or in relation to the employer in respect of that contract or the employee shall be deemed from that day to have been done by or in relation to the Commission.

Status: This is the original version (as it was originally enacted).

- (4) Sub-paragraphs (2) and (3) above are without prejudice to any right of an employee to terminate his contract of employment if his working conditions are changed substantially to his detriment; but such a change shall not be taken to have occurred by reason only of the change in employer effected by sub-paragraph (2) above.
- (5) In sub-paragraph (4) above, the reference to an employee's working conditions includes a reference to any rights (whether accrued or contingent) under any pension or superannuation scheme of which he was a member by virtue of his employment immediately before the appointed day.

Construction of references to the Director General

- 4 Any enactment or instrument passed or made before the appointed day shall have effect, so far as necessary for the purposes of, or in consequence of, the transfers effected by the principal section and paragraphs 2 and 3 above, as if any reference to the Director General were a reference to the Commission.

Continuing validity of past acts

- 5 (1) Nothing in any other provision of the principal section or this Schedule shall affect the validity of anything done by or in relation to the Director General before the coming into force of that provision.
- (2) Anything (including legal proceedings) which immediately before the appointed day is in the process of being done by or in relation to the Director General may, if it relates to any of the functions, property, rights or liabilities transferred by the principal section or paragraph 2 or 3 above, be continued by or in relation to the Commission.
- (3) Any approval, authorisation, consent, delegation, direction, licence or appointment given, granted or made or other thing whatever done by the Director General for the purposes of any of the functions transferred by the principal section shall, if in force immediately before the appointed day, continue in force and have effect as if similarly given, granted, made or done by the Commission.

Final report and accounts of the Director General

- 6 (1) As respects any time on or after the appointed day, the duties imposed on the Director General in relation to—
 - (a) accounts, and
 - (b) the making of a report under section 14 of the 1993 Act,
 in respect of his last financial year, or any preceding financial year for which those duties have not been discharged, shall be discharged by the Commission.
- (2) Any reference in this paragraph to the Director General's last financial year is a reference to the financial year beginning with the 1st April last preceding the appointed day.
- (3) The duties imposed on the Commission by sub-paragraph (1) above shall be discharged by them as if the Director General's last financial year ended with the day preceding the appointed day (if it would not in fact do so).
- (4) The property transferred to the Commission by virtue of paragraph 2 above shall include the records of the Director General.

Status: This is the original version (as it was originally enacted).

- (5) For the purposes of this paragraph, the amendments of section 14 of the 1993 Act made by paragraph 13 below shall be disregarded.
- (6) In this paragraph “financial year” means the twelve months beginning with 1st April in any year and ending with the 31st March next following.

PART II

CONSTITUTION OF THE COMMISSION

7 After Schedule 2 to the 1993 Act there shall be inserted—

“SCHEDULE 2A

Section 3A.

THE NATIONAL LOTTERY COMMISSION

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
- (1) The Commission shall consist of five members, all of whom shall be 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 such information as the Secretary of State considers necessary for the performance by him of his duties under sub-paragraphs (2) and (3).

Status: This is the original version (as it was originally enacted).

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

- 4
- (1) The members of the Commission shall select one of their number to be the chairman of the Commission.
 - (2) A person's term of office as chairman shall be no longer than twelve months.
 - (3) A person may resign as chairman by giving written notice to the other members.
 - (4) If the chairman ceases to be a member he shall also cease to be chairman.
 - (5) A member who ceases to be the chairman shall again become eligible for selection as chairman after the expiration of a period equal to that for which he was last chairman.

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.

Status: This is the original version (as it was originally enacted).

- (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 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.

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.

Status: This is the original version (as it was originally enacted).

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.
- (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
 - (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.”

PART III

MINOR AND CONSEQUENTIAL AMENDMENTS

The Public Records Act 1958

- 8 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—

“National Lottery Commission.”

Status: This is the original version (as it was originally enacted).

The Parliamentary Commissioner Act 1967

9 In the Parliamentary Commissioner Act 1967, in Schedule 2 (departments and authorities subject to investigation)—

(a) the following entry shall be inserted at the appropriate place—

“National Lottery Commission.”; and

(b) the entry relating to the Office of the Director General of the National Lottery shall be omitted.

The House of Commons Disqualification Act 1975

10 In the House of Commons Disqualification Act 1975—

(a) in Part II of Schedule 1 (bodies of which all members are disqualified) the following entry shall be inserted at the appropriate place—

“The National Lottery Commission;” and

(b) in Part III of that Schedule (other disqualifying offices) the entry relating to the Director General of the National Lottery shall be omitted.

The Northern Ireland Assembly Disqualification Act 1975

11 In the Northern Ireland Assembly Disqualification Act 1975—

(a) the same entry as is set out in paragraph 10(a) above shall be inserted at the appropriate place in Part II of Schedule 1; and

(b) in Part III of that Schedule, the entry relating to the Director General of the National Lottery shall be omitted.

The Tribunals and Inquiries Act 1992

12 (1) The Tribunals and Inquiries Act 1992 shall be amended as follows.

(2) In section 7 (which restricts Ministers' powers to remove members of tribunals listed in Schedule 1 to that Act) in subsection (2) (tribunals to which that section does not apply)—

(a) after “33(a),” there shall be inserted “33AA,”; and

(b) the words “33A,” shall be omitted.

(3) In Schedule 1 (tribunals under the supervision of the Council on Tribunals) paragraph 33A (which relates to the Director General) shall be omitted and after paragraph 33 there shall be inserted—

“National Lottery

33AA. The National Lottery Commission in respect of their functions under sections 10 and 10A of, and Schedule 3 to, the National Lottery etc. Act 1993 (c. 39), and any member, employee or committee of that Commission authorised under paragraph 8 of Schedule 2A to that Act to exercise any of those functions.”

Status: This is the original version (as it was originally enacted).

The 1993 Act

- 13 In section 14 of the 1993 Act (annual report) in subsection (2)—
- (a) paragraph (a) (which relates to the first report of the Director General) shall be omitted; and
 - (b) after that paragraph there shall be inserted—
 - “(aa) the period beginning with the date on which section 3A comes into force and ending with the next 31st March, and”.
- 14 In section 20 of the 1993 Act (interpretation of Part I)—
- (a) before the definition of “contravention” there shall be inserted—
 - ““the Commission” means the National Lottery Commission;”;
 - and
 - (b) the definition of “the Director General” shall be omitted.
- 15 (1) Section 31 of the 1993 Act (payments from Distribution Fund in respect of expenses) shall be amended as follows.
- (2) In subsection (2)—
- (a) paragraph (a) (meeting payments made or to be made under paragraph 5 of Schedule 2) shall cease to have effect; and
 - (b) after that paragraph there shall be inserted—
 - “(aa) meeting payments made or to be made under paragraph 10 of Schedule 2A,”.
- (3) Subsection (3) (which relates to subsection (2)(a)) shall be omitted.
- (4) At the end of the section there shall be added—
 - “(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).”

SCHEDULE 2

Section 7.

THE NEW OPPORTUNITIES FUND: SCHEDULE 6A TO THE 1993 ACT

“SCHEDULE 6A

Section 43A.

THE NEW OPPORTUNITIES FUND

Membership

- 1 (1) The New Opportunities Fund shall consist of a chairman and not less than 8 nor more than 12 other members, all of whom shall be appointed by the Secretary of State.
- (2) Four of the members of the New Opportunities Fund (other than the chairman) shall be persons who appear to the Secretary of State to be suited to make the interests of England, Scotland, Wales and Northern Ireland, respectively, their special care.

Status: This is the original version (as it was originally enacted).

- (3) The Secretary of State may by order amend sub-paragraph (1) so as to vary any number for the time being specified in that sub-paragraph.

Committees

- 2 Subsection (7) of section 25A shall apply in relation to any committee of the New Opportunities Fund as it applies in relation to a committee appointed under subsection (6) of that section.

Tenure of office

- 3 (1) Subject to the following provisions of this paragraph, a person shall hold and vacate office as chairman or other member of the New Opportunities Fund in accordance with the terms of his appointment.
- (2) The Secretary of State shall not appoint a person to hold office as a member of the New Opportunities Fund for a term of more than five years.
- (3) A chairman or member of the New Opportunities Fund may at any time resign his office by notice in writing addressed to the Secretary of State.
- (4) A member of the New Opportunities Fund may be removed from office by the Secretary of State on the ground that—
- (a) he has been absent for a period longer than three consecutive months from meetings of the Fund without the Fund's consent,
 - (b) a bankruptcy order has been made against him, or his estate has been sequestrated, or he has made a composition or arrangement with, or granted a trust deed for, his creditors, or
 - (c) he is unable or unfit to discharge the functions of his office.
- (5) If a chairman of the New Opportunities Fund ceases to be a member of the Fund he shall also cease to be chairman.
- (6) A person who ceases, otherwise than by virtue of sub-paragraph (4), to be a member or chairman of the New Opportunities Fund shall be eligible for re-appointment.

Remuneration and allowances

- 4 (1) The New Opportunities Fund may pay—
- (a) such remuneration to their chairman and any other member of the Fund, and
 - (b) such travelling and other allowances to their chairman, any other member of the Fund and any member of a committee of theirs,
- as the Secretary of State may determine.
- (2) Where the Secretary of State so determines in the case of a holder of the office of chairman of the New Opportunities Fund, or in the case of any other member of the Fund, the Fund 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.

Status: This is the original version (as it was originally enacted).

- (3) If the Secretary of State determines that there are special circumstances that make it right for a person ceasing to hold office as chairman of the New Opportunities Fund, or ceasing to be a member of the Fund, to receive compensation, the Fund may pay to him such compensation as the Secretary of State may determine.

Staff

- 5 (1) Subject to any directions under section 26(3), the New Opportunities Fund may appoint such staff as they think fit, on such terms and conditions of service as they think fit.
- (2) Subject to any directions under section 26(3), the New Opportunities Fund may—
- (a) pay such pensions, allowances or gratuities to or in respect of any persons who have been or are members of their staff as they may determine;
 - (b) make such payments as they may determine towards the provision of pensions, allowances or gratuities to or in respect of any such persons;
 - (c) provide and maintain such schemes as they may determine (whether contributory or not) for the payment of pensions, allowances or gratuities to or in respect of any such persons.
- (3) Any reference in sub-paragraph (2) to pensions, allowances or gratuities to or in respect of any such persons as are mentioned in that sub-paragraph includes pensions, allowances or gratuities by way of compensation to or in respect of any members of the New Opportunities Fund's staff who suffer loss of office or employment.

Proceedings

- 6 (1) Subject to the provisions of this Schedule, the New Opportunities Fund 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 New Opportunities Fund shall not be affected by any vacancy among their members, or by any defect in the appointment of any person as chairman or a member.

Application of seal and evidence

- 7 The application of the seal of the New Opportunities Fund shall be authenticated by the signature—
- (a) of any member of the Fund, or
 - (b) of any other person who has been authorised by the Fund (whether generally or specially) for that purpose.
- 8 A document purporting to be duly executed under the seal of the New Opportunities Fund or to be signed on their behalf shall be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

Status of New Opportunities Fund

- 9 The New Opportunities Fund shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

Status: This is the original version (as it was originally enacted).

- 10 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—

“New Opportunities Fund.”

Application to Scotland

- 11 Paragraphs 7 and 8 do not extend to Scotland.”

SCHEDULE 3

Section 12.

JOINT SCHEMES: SCHEDULE 3A TO THE 1993 ACT

“SCHEDULE 3A

Section 25B.

JOINT SCHEMES: SUPPLEMENTARY PROVISIONS

Interpretation

- 1 In this Schedule “year” means any period of twelve months.

Authorisation or approval by Secretary of State

- 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
 - (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.

Contents of authorisations and approvals

- 3 An order under paragraph 2(1) or an approval under paragraph 2(2) shall—

Status: This is the original version (as it was originally enacted).

- (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.

Effect of increasing annual limit on schemes authorised by order

- 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).

Powers

- 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.

Modification

- 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.

Status: This is the original version (as it was originally enacted).

- (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.

Termination

- 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.

Orders under s.29(1): participant ceasing to be distributing body

- 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—
- (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.

Authorisation to continue payments despite occurrence of certain events

- 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.

Status: This is the original version (as it was originally enacted).

- (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.”

SCHEDULE 4

Section 16.

THE NATIONAL ENDOWMENT FOR SCIENCE, TECHNOLOGY AND THE ARTS

Membership

- 1 (1) NESTA shall consist of not more than 15 members (in this Schedule referred to as “trustees”)—
 - (a) all of whom shall be appointed by the Secretary of State; and
 - (b) one of whom shall be so appointed as chairman.
- (2) Before making any appointment under this paragraph, the Secretary of State shall consult such persons as appear to him to be representative of those engaged in the fields of science, technology and the arts.
- (3) The Secretary of State may by order amend sub-paragraph (1) above so as to increase the number for the time being specified in that sub-paragraph.
- (4) An order under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Delegation of functions

- 2 (1) NESTA may appoint any other body or person to exercise on their behalf any of their functions under this Part of this Act—
 - (a) in any particular case, or
 - (b) in cases of any particular description.

Status: This is the original version (as it was originally enacted).

- (2) The persons who may be appointed by NESTA under sub-paragraph (1) above include a trustee, member of staff or committee of NESTA.
- (3) NESTA may establish a committee for the purpose of exercising on behalf of NESTA any such function as is mentioned in sub-paragraph (1) above.
- (4) A committee established under sub-paragraph (3) above—
 - (a) may consist of or include persons who are trustees of NESTA;
 - (b) may consist of or include persons who are members of staff of NESTA; and
 - (c) may consist of or include persons who are neither trustees nor members of staff of NESTA.
- (5) Any reference in this paragraph to a trustee of NESTA includes a reference to the chairman of NESTA.

Tenure of office

- 3 (1) Subject to the following provisions of this paragraph, a person shall hold and vacate office as chairman or trustee of NESTA in accordance with the terms of his appointment.
- (2) The Secretary of State shall not appoint a person to hold office as a trustee of NESTA for a term of more than five years.
- (3) A chairman or trustee of NESTA may at any time resign his office by notice in writing addressed to the Secretary of State.
- (4) A trustee of NESTA may be removed from office by the Secretary of State on the ground that—
 - (a) he has been absent for a period longer than three consecutive months from meetings of NESTA, or of any committee of NESTA, without NESTA's consent,
 - (b) a bankruptcy order has been made against him, or his estate has been sequestrated, or he has made a composition or arrangement with, or granted a trust deed for, his creditors, or
 - (c) he is unable or unfit to discharge the functions of his office.
- (5) If a chairman of NESTA ceases to be a trustee of NESTA he shall also cease to be chairman.
- (6) A person who ceases, otherwise than by virtue of sub-paragraph (4) above, to be a trustee or chairman of NESTA shall be eligible for re-appointment.

Remuneration and allowances

- 4 (1) If the Secretary of State so determines, NESTA may pay such remuneration to their chairman or any other trustee of NESTA as the Secretary of State may determine.
- (2) NESTA may, in accordance with any scheme for the time being approved by the Secretary of State, pay travelling and other allowances to their chairman, to any other trustee of NESTA, to any member of a committee of theirs or to any person who, by virtue of paragraph 2 above, exercises on behalf of NESTA any of their functions under this Part of this Act.

Status: This is the original version (as it was originally enacted).

- (3) Where the Secretary of State so determines in the case of a holder of the office of chairman of NESTA, or in the case of any other trustee of NESTA, NESTA 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.
- (4) If the Secretary of State determines that there are special circumstances that make it right for a person ceasing to hold office as chairman of NESTA, or ceasing to be a trustee of NESTA, to receive compensation, NESTA may pay to him such compensation as the Secretary of State may determine.

Staff

- 5 Subject to any directions under section 21 of this Act, NESTA may appoint such staff as they think fit, on such terms (including terms as to remuneration and pensions) as they think fit.

Proceedings

- 6 (1) NESTA 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 NESTA shall not be affected by any vacancy among their trustees, or by any defect in the appointment of any person as chairman or a trustee.

Application of seal and evidence

- 7 The application of the seal of NESTA shall be authenticated by the signature—
- (a) of any trustee of NESTA, or
 - (b) of any other person who has been authorised by NESTA (whether generally or specially) for that purpose.
- 8 A document purporting to be duly executed under the seal of NESTA or to be signed on their behalf shall be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

Status of NESTA

- 9 NESTA shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

Parliamentary disqualification

- 10 (1) In the House of Commons Disqualification Act 1975, in Part III of Schedule 1 (other disqualifying offices) the following entry shall be inserted at the appropriate place—
- “Chairman of the National Endowment for Science, Technology and the Arts (“NESTA”) and, if in receipt of remuneration, any other member of NESTA;”.
- (2) The same entry shall be inserted at the appropriate place in Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975.

Status: This is the original version (as it was originally enacted).

Reimbursement

- 11 The payments which may be made under section 31 of the 1993 Act (payments from Distribution Fund into Consolidated Fund in respect of expenses) shall include a payment of such amount as the Secretary of State with the approval of the Treasury determines to be appropriate for defraying expenses incurred by the Secretary of State before the commencement of this Part of this Act for the purpose of facilitating the establishment of NESTA.

Prior consultation

- 12 Any consultation undertaken before the commencement of this Schedule in connection with any appointments under paragraph 1 above shall be as effective, in relation to those appointments, as if this Schedule had been in force at the time the consultation was undertaken.

Application to Scotland

- 13 Paragraphs 7 and 8 above do not extend to Scotland.

SCHEDULE 5

Section 26.

ENACTMENTS REPEALED

PART I

ENACTMENTS RELATING TO REPLACEMENT OF DIRECTOR GENERAL BY COMMISSION

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1967 c. 13.	The Parliamentary Commissioner Act 1967.	In Schedule 2, the entry relating to the Office of the Director General of the National Lottery.
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Schedule 1, in Part III, the entry relating to the Director General of the National Lottery.
1975 c. 25.	The Northern Ireland Assembly Disqualification Act 1975.	In Schedule 1, in Part III, the entry relating to the Director General of the National Lottery.
1992 c. 53.	The Tribunals and Inquiries Act 1992.	In section 7(2), the words “33A,”. In Schedule 1, paragraph 33A.
1993 c. 39.	The National Lottery etc. Act 1993.	Section 3.

Status: This is the original version (as it was originally enacted).

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		Section 14(2)(a). In section 20, the definition of “the Director General”. Section 31(2)(a) and (3). Schedule 2.
1998 c. 22.	The National Lottery Act 1998.	Section 2(4).

PART II

OTHER ENACTMENTS

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1993 c. 39.	The National Lottery etc. Act 1993.	In section 22(3), the word “and” at the end of paragraph (d). In Schedule 3, in paragraph 6(1), the word “and” at the end of paragraph (c), and paragraph 10. In Schedule 5, paragraph 2(4) to (6); in paragraph 3, in sub-paragraph (1) the words “or a committee of theirs”, in sub-paragraph (2) the words “or a committee of theirs”, in sub-paragraph (3) the words “or a person appointed to a committee of theirs by the Secretary of State”, in sub-paragraph (4) the words “or a person appointed to a committee of theirs by the Secretary of State”, in sub-paragraph (5) the words “or a committee of theirs” and in sub-paragraph (6) the words “or a committee of theirs”; paragraph 4(4); in paragraph 5, in sub-paragraph (2), the words “with the Secretary of State’s approval”, and sub-paragraph (4); and paragraph 6(3).