



Dormant Bank and Building Society Accounts Act 2008

2008 CHAPTER 31

PART 2

DISTRIBUTION OF MONEY UNDER THE GENERAL SCHEME

Powers of Secretary of State or appropriate national authority

22 Directions to Big Lottery Fund

- (1) In exercising any of its functions under this Act the Big Lottery Fund shall comply with any direction given to it under this section.
- (2) Subject to subsection (5), the power to give a direction under this section is exercisable by the Secretary of State.
- (3) A direction under this section may, in particular—
 - (a) specify matters to be taken into account in determining the persons to whom the Fund distributes money;
 - (b) specify purposes for which (or matters to be taken into account in determining the purposes for which) the Fund may or may not distribute money;
 - (c) relate to the process used to determine what payments to make;
 - (d) relate to—
 - (i) the terms and conditions on which the Fund makes grants or loans, or
 - (ii) other arrangements under section 16(3).
- (4) A direction under this section may, in particular—
 - (a) relate to arrangements under section 25;
 - (b) relate to the management and control of money received by the Fund;
 - (c) relate to the employment of staff;

Status: This is the original version (as it was originally enacted).

- (d) relate to the form of accounts or methods and principles for the preparation of accounts;
 - (e) in so far as it relates to a matter specified in paragraphs (a) to (d)—
 - (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.
- (5) A direction under this section may not be given by the Secretary of State in relation to Welsh, Scottish or Northern Ireland expenditure, but—
- (a) may be given by the Welsh Ministers in relation to Welsh expenditure;
 - (b) may be given by the Scottish Ministers in relation to Scottish expenditure;
 - (c) may be given by the Department of Finance and Personnel in Northern Ireland in relation to Northern Ireland expenditure.

This subsection does not apply to a direction given by virtue only of subsection (4).

- (6) A direction under this section may not be inconsistent with —
- (a) section 16(1), or
 - (b) section 18 or an order under section 19, 20 or 21 (whichever is applicable).
- (7) Any minister, ministers or department proposing to give a direction under this section must consult the Big Lottery Fund before doing so.
- (8) The power of the Fund to appoint staff under paragraph 6 of Schedule 4A to the National Lottery etc. Act 1993 (c. 39), or to make payments under paragraph 18 of that Schedule (remuneration etc), has effect subject to any directions under subsection (4) (c).

23 Power to prohibit distribution in certain cases

- (1) The Secretary of State may by order prohibit the Big Lottery Fund from distributing dormant account money to a person specified in the order if the Secretary of State considers that the Fund is able (whether directly or indirectly) to control or materially to influence the policy of that person in carrying on any undertaking or performing any functions.
- (2) Before making an order under this section that—
- (a) relates to Welsh expenditure, Scottish expenditure or Northern Ireland expenditure, or
 - (b) would otherwise be likely, in the opinion of the Secretary of State, to affect persons in Wales, Scotland or Northern Ireland,
- the Secretary of State shall consult the Welsh Ministers, the Scottish Ministers or the Department of Finance and Personnel in Northern Ireland (as appropriate).
- (3) An order under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) The Secretary of State may require the Fund to provide such information as is needed for the purpose of exercising his or her powers under this section.

24 Power to add or remove distributors

- (1) The Secretary of State may by order amend this Act so that functions exercisable by the body or bodies currently specified in section 16(1) are exercisable instead by the body or bodies specified there as a result of the order.
- (2) The Secretary of State may exercise the power conferred by subsection (1) so as to remove from section 16(1) a body that has contravened or failed to comply with a requirement or prohibition imposed on it by or under section 22 or 23.

This is not to be read as limiting subsection (1).

- (3) An order under this section may—
 - (a) make consequential amendments to this Act;
 - (b) make transitional or supplemental provision (including provision amending this Act).
- (4) Where two or more bodies are specified in section 16(1) as a result of an order under this section, the order must provide that any amount transferred by a reclaim fund in pursuance of the object mentioned in section 5(1)(c) is to be apportioned between those bodies in the percentages specified in the order.
- (5) Functions conferred on a body as a result of an order under this section are exercisable notwithstanding anything to the contrary in any enactment or instrument relating to the functions of the body.
- (6) Before making an order under this section the Secretary of State shall consult—
 - (a) the Welsh Ministers;
 - (b) the Scottish Ministers;
 - (c) the Department of Finance and Personnel in Northern Ireland.
- (7) An order under this section may not be made unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.