



# National Lottery etc. Act 1993

## 1993 CHAPTER 39

### PART II

#### DISTRIBUTION OF THE NET PROCEEDS OF THE NATIONAL LOTTERY

##### *The distribution system*

#### **21 The National Lottery Distribution Fund.**

(1) There shall be a fund maintained under the control and management of the Secretary of State and known as the National Lottery Distribution Fund.

<sup>F1</sup>(2) .....

#### **Textual Amendments**

**F1** S. 21(2) repealed (8.4.2005) by [Horse Race Betting and Olympic Lottery Act 2004 \(c. 25\)](#), ss. 34(8), 40, [Sch. 6](#); [S.I. 2005/1134](#), art. 2

#### **22 Apportionment of money in Distribution Fund.**

(1) Every sum that is paid into the Distribution Fund [<sup>F2</sup>by virtue of section 5(6) or 10A] shall be apportioned as follows.

(2) So much of the sum as the Secretary of State considers appropriate shall be allocated for making payments under section 31 and held in the Distribution Fund for that purpose.

(3) Of the balance—

(a) [<sup>F3</sup>162/3 per cent.] shall be allocated for expenditure on or connected with the arts,

(b) [<sup>F3</sup>162/3 per cent.] shall be allocated for expenditure on or connected with sport,

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- (c) [<sup>F3</sup>162/3 per cent.] shall be allocated for expenditure on or connected with the national heritage, [<sup>F4</sup>and]
- [<sup>F5</sup>(d) 50 per cent. shall be allocated for prescribed expenditure that is—
- (i) charitable, or
  - (ii) connected with health, or
  - (iii) connected with education, or
  - (iv) connected with the environment.]
- <sup>F6</sup>(e) . . . . .
- [<sup>F7</sup>(including, in each case, for establishing or contributing to endowments in connection with such expenditure).]
- [<sup>F8</sup>(3A) In subsection (3)(d) “prescribed expenditure” means expenditure of a description prescribed by order of the Secretary of State.
- (3B) A description of expenditure under subsection (3A) may, in particular, refer to expenditure in relation to—
- (a) England,
  - (b) Wales,
  - (c) Scotland,
  - (d) Northern Ireland,
  - (e) any of the Channel Islands, or
  - (f) the Isle of Man;
- and expenditure described by virtue of this subsection is referred to in this Act as “devolved expenditure”.
- (3C) Before making an order under subsection (3A) the Secretary of State shall consult—
- (a) the Big Lottery Fund,
  - (b) the National Assembly for Wales,
  - (c) the Scottish Ministers,
  - (d) the Northern Ireland Department of Culture, Arts and Leisure, and
  - (e) such other persons (if any) as he thinks appropriate.]
- [<sup>F9</sup>(4) This section has effect subject to section 19 of the National Lottery Act 1998 [<sup>F10</sup>and to section 25 of the Horserace Betting and Olympic Lottery Act 2004.]]

#### Textual Amendments

- F2** Words in s. 22(1) substituted (8.4.2005) by [Horserace Betting and Olympic Lottery Act 2004 \(c. 25\), ss. 34\(9\)\(a\), 40](#); S.I. 2005/1134, art. 2
- F3** Words in s. 22(3)(a)-(d) substituted (17.5.1999) by S.I. 1999/344, [art. 3\(1\)-\(5\)](#)
- F4** Word in s. 22(3)(c) added (1.12.2006) by [National Lottery Act 2006 \(c. 23\), ss. 7\(2\)\(a\), 22\(1\)](#); S.I. 2006/3201, art. 2(a)
- F5** S. 22(3)(d) substituted for s. 22(3)(d)(f) (1.12.2006) by [National Lottery Act 2006 \(c. 23\), ss. 7\(2\)\(b\), 22\(1\)](#); S.I. 2006/3201, art. 2(a)
- F6** S. 22(3)(e) repealed (8.4.2005) by [Horserace Betting and Olympic Lottery Act 2004 \(c. 25\), ss. 34\(9\)\(b\), 40, Sch. 6](#); S.I. 2005/1134, art. 2
- F7** Words in s. 22(3) inserted (retrospectively) by [National Lottery \(Funding of Endowments\) Act 2003 \(c. 23\), s. 1\(2\)\(9\)](#)
- F8** S. 22(3A)-(3C) inserted (1.12.2006 for specified purposes) by [National Lottery Act 2006 \(c. 23\), ss. 7\(3\), 22\(1\)](#); S.I. 2006/3201, art. 2(a)

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- F9** S. 22(4) inserted (2.7.1998) by 1998 c. 22, ss. 19(7), 27(4).  
**F10** Words in s. 22(4) added (8.7.2005) by Horserace Betting and Olympic Lottery Act 2004 (c. 25), ss. 34(9)(c), 40; S.I. 2005/1831, art. 2

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

- C1** S. 22(3)(d) modified (1.12.2006) by National Lottery Act 2006 (c. 23), ss. 18(1)(a), 22(1); S.I. 2006/3201, art. 2(d)

## 23 The distributing bodies.

- (1) So much of any sum paid into the Distribution Fund as is allocated for expenditure on or connected with the arts shall be held in the Distribution Fund—
- <sup>F11</sup>[(a) as to <sup>F12</sup>71.1 per cent.], for distribution by the Arts Council of England,  
 (b) as to <sup>F13</sup>7.74 per cent.], for distribution by the Scottish Arts Council,  
 (c) as to 5 per cent., for distribution by the Arts Council of Wales, <sup>F14</sup> . . .  
 (d) as to 2.8 per cent., for distribution by <sup>F15</sup>the Arts Council of Northern Ireland]<sup>F16</sup><sup>F17</sup> . . .  
 (e) as to 12.2 per cent., for distribution by the Film Council]<sup>F18</sup>, and  
 (f) as to 1.16 per cent, for distribution by Scottish Screen.]]
- (2) So much of any sum paid into the Distribution Fund as is allocated for expenditure on or connected with sport shall be held in the Distribution Fund—
- (a) as to <sup>F19</sup>62 per cent] , for distribution by <sup>F20</sup>the English Sports Council],  
 (b) as to <sup>F21</sup>8.1 per cent.], for distribution by the Scottish Sports Council,  
 (c) as to <sup>F22</sup>4.5 per cent.], for distribution by the Sports Council for Wales, and  
 (d) as to <sup>F23</sup>2.6 per cent.], for distribution by the Sports Council for Northern Ireland]<sup>F24</sup> and  
 (e) as to <sup>F25</sup>22.8” per cent] ., for distribution by the United Kingdom Sports Council.]
- (3) So much of any sum paid into the Distribution Fund as is allocated for expenditure on or connected with the national heritage shall be held in the Distribution Fund for distribution by the Trustees of the National Heritage Memorial Fund.
- <sup>F26</sup>(4) So much of any sum paid into the Distribution Fund as is allocated under section 22(3) (d) shall be held by the Distribution Fund for distribution by the Big Lottery Fund (established under section 36A).]

#### Textual Amendments

- F11** S. 23(1)(a)-(d) substituted (13.6.1994) by S.I. 1994/1342, art. 2.  
**F12** Words in s. 23(1)(a) substituted (1.10.1999) by S.I. 1999/2090, art. 2(1)(2)  
**F13** Words in s. 23(1)(b) substituted (7.4.2000) by S.S.I. 2000/78, art. 2  
**F14** Word in s. 23(1)(c) omitted (1.10.1999) by S.I. 1999/2090, art. 2(1)(3)  
**F15** Words in s. 23(1) substituted (1.9.1995) by S.I. 1995/2088, art. 2.  
**F16** Word in s. 23(1)(d) omitted (7.4.2000) by S.S.I. 2000/78, art. 2  
**F17** S. 23(1)(e) and preceding word inserted (1.10.1999) by S.I. 1999/2090, art. 2(1)(3)  
**F18** S. 23(1)(f) and preceding word inserted (7.4.2000) by S.S.I. 2000/78, art. 2  
**F19** Words in s. 23(2)(a) substituted (1.4.2006) by The National Lottery etc. Act 1993 (Amendment of Section 23) Order 2006 (S.I. 2006/654), arts. 1, 2(2)  
**F20** Words in s. 23(2)(a) substituted (1.1.1997) by S.I. 1996/3095, art. 2.

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- F21** Words in s. 23(2)(b) substituted (1.7.1999) by S.I. 1999/1563, **art. 2(1)(3)**
- F22** Words in s. 23(2)(c) substituted (1.7.1999) by S.I. 1999/1563, **art. 2(1)(4)**
- F23** Words in s. 23(2)(d) substituted (1.7.1999) by S.I. 1999/1563, **art. 2(1)(5)**
- F24** S. 23(2)(e) and the preceding “and” inserted (1.7.1999) by S.I. 1999/1563, **art. 2(6)**
- F25** Words in s. 23(2)(e) substituted (1.4.2006) by The National Lottery etc. Act 1993 (Amendment of Section 23) Order 2006 (S.I. 2006/654), arts. 1, **2(3)**
- F26** S. 23(4) substituted for s. 23(4)-(6) (1.12.2006) by National Lottery Act 2006 (c. 23), **ss. 15(1), 22(1); S.I. 2006/3201, art. 2(c)**

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

- C2** S. 23(2) power to apply (with modifications) conferred (8.4.2005) by Horserace Betting and Olympic Lottery Act 2004 (c. 25), **ss. 28(4), 40; S.I. 2005/1134, art. 2**
- C3** S. 23(2) power to apply (with modifications) conferred (8.7.2005) by Horserace Betting and Olympic Lottery Act 2004 (c. 25), **ss. 32(4), 40; S.I. 2005/1831, art. 2**
- C4** S. 23(2) power to apply (with modifications) conferred (8.7.2005) by Horserace Betting and Olympic Lottery Act 2004 (c. 25), **ss. 26(5), 40; S.I. 2005/1831, art. 2**

**24 Payments from Distribution Fund to distributing bodies.**

At such times as the Secretary of State thinks appropriate, payments of such amounts as he thinks appropriate may be made to a body specified in section 23 [F27 or in an order under section 29A] out of so much of any money in the Distribution Fund as is held for distribution by that body.

**Textual Amendments**

- F27** Words in s. 24 inserted (1.10.2006) by National Lottery Act 2006 (c. 23), **ss. 8(2), 22(1); S.I. 2006/2630, art. 2(b)**

**25 Application of money by distributing bodies.**

- (1) Subject to the provisions of this Part, a body shall distribute any money paid to it under section 24 for meeting expenditure of the relevant description mentioned in section 22(3).
- <sup>F28</sup>[(1A) The manner in which a body may distribute any money paid to it under section 24 includes making or entering into arrangements for or in connection with meeting expenditure (including arrangements with respect to vouchers); and this subsection shall apply notwithstanding anything to the contrary in any enactment or instrument relating to the functions of the body.]
- (2) A body shall not under subsection (1) distribute money for any purpose or in any manner if it does not have power to distribute money for that purpose or in that manner apart from subsection (1).
- <sup>F29</sup>[(2A) A body which distributes money under subsection (1) shall have power to solicit applications from other bodies or persons for any of the money which the body so distributes, notwithstanding anything to the contrary in any enactment or instrument relating to the functions of the body.]
- (2B) In determining whether a decision of a body concerning its distribution of money under subsection (1) was unlawful, it shall be immaterial whether or not the body, or

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any person acting on behalf of the body, solicited an application from a body or person for such money.]

[<sup>F30</sup>(2C) In determining how to distribute money in accordance with subsection (1) a body may—

- (a) consult any person;
- (b) take account of opinions expressed to it or information submitted to it.]

(3) A body may defray out of any money paid to it under section 24 any expenses incurred by the body in consequence of this Act.

(4) The Trustees of the National Heritage Memorial Fund may apply any money paid to them under section 24 for any purpose for which they have power to apply money under section 4 of the <sup>M1</sup>National Heritage Act 1980 [<sup>F31</sup>(other expenditure out of the fund)].

[<sup>F32</sup>(5) References in this section (however expressed) to the distribution of money for meeting expenditure are to be construed as including distribution of money for the purpose of establishing, or contributing to, endowments in connection with expenditure of the description concerned.]

[<sup>F33</sup>(6) A reference in this section to meeting expenditure includes a reference to meeting expenditure which relates to—

- (a) the Isle of Man, or
- (b) any of the Channel Islands.]

#### Textual Amendments

**F28** S. 25(1A) inserted (2.7.1998) by 1998 c. 22, ss. 9(1), 27(4).

**F29** S. 25(2A)-(2B) inserted (2.7.1998) by 1998 c. 22, ss. 10, 27(4).

**F30** S. 25(2C) inserted (1.10.2006) by National Lottery Act 2006 (c. 23), ss. 10, 22(1); S.I. 2006/2630, art. 2(c)

**F31** Words in s. 25(4) substituted (4.3.1998) by 1997 c. 14, s. 3, Sch. para. 4; S.I. 1998/292, art. 2

**F32** S. 25(5) inserted (retrospectively) by National Lottery (Funding of Endowments) Act 2003 (c. 23), s. 1(3)(9)

**F33** S. 25(6) added (1.12.2006 for specified purposes) by National Lottery Act 2006 (c. 23), ss. 13(1), 22(1); S.I. 2006/3201, art. 2(b)

#### Marginal Citations

**M1** 1980 c. 17.

#### [<sup>F34</sup>25A Delegation by distributing bodies of their powers of distribution.

(1) A body which distributes money under subsection (1) of section 25 may appoint any other body or person to exercise on its behalf any of its functions relating to, or connected with, the distribution of money under that subsection (including its function of making decisions as to the persons to whom such distributions are to be made)—

- (a) in any particular case, or
- (b) in cases of any particular description.

(2) The persons who may be appointed by a body under subsection (1) include a member, employee or committee of the body itself.

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- (3) A body which makes an appointment under subsection (1) may defray out of any money paid to it under section 24 any expenses incurred by the appointee in consequence of the appointment.
- (4) Power to accept any such appointment as is mentioned in subsection (1) is conferred by this subsection on the following bodies—
- (a) any body which distributes money under section 25(1),
  - (b) any charity or any charitable, benevolent or philanthropic institution,
  - (c) any body established by or under an enactment, and
  - (d) any body established by Royal Charter.
- (5) A body appointed by virtue of subsection (1) to exercise a function on behalf of another may itself appoint any of its members or employees, or a committee, to exercise the function in its stead, but only if—
- (a) the terms of the body’s appointment by virtue of subsection (1) so permit, and
  - (b) the body has power apart from this section to appoint a member or, as the case may be, an employee or committee of the body to exercise some or all of its functions.
- (6) Subject to the following provisions of this section—
- (a) a body which distributes money under section 25(1) may establish a committee for the purpose of exercising on behalf of the body any such function as is mentioned in subsection (1), and
  - (b) a body falling within any paragraph of subsection (4) may establish a committee for the purpose of exercising on behalf of any body which distributes money under section 25(1) any such function as is mentioned in subsection (1).
- (7) A committee established under subsection (6)—
- (a) must consist of or include one or more members, or one or more employees, of the body establishing the committee, but
  - (b) may include persons who are neither members nor employees of that body.
- (8) Any power conferred on a body by subsections (1) to (7) is so conferred—
- (a) to the extent that the body would not have the power apart from this section, and
  - (b) notwithstanding anything to the contrary in any enactment or instrument relating to the functions of the body.
- (9) In this section—
- “charity” means a body, or the trustees of a trust, established for charitable purposes only;
- “charitable, benevolent or philanthropic institution” means a body, or the trustees of a trust, which is established for charitable purposes (whether or not those purposes are charitable within the meaning of any rule of law), benevolent purposes or philanthropic purposes, and which is not a charity.
- (10) For the purposes of this section—
- (a) the trustees of a trust shall be regarded as a body, and
  - (b) any reference to a member of a body shall, in the case of a body of trustees, be taken as a reference to any of the trustees,
- and references to a committee shall be construed accordingly.

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(11) Any reference in this section to a member of a body includes a reference to the chairman or deputy chairman of (or the holder of any corresponding office in relation to) the body.

[ A body established under the law of the Isle of Man may be the subject of an  
<sup>F35</sup>(12) appointment under this section in connection with expenditure which relates to the Isle of Man.

(13) A body established under the law of any of the Channel Islands may be the subject of an appointment under this section in connection with expenditure which relates to that Island.]]

#### Textual Amendments

**F34** S. 25A inserted (2.7.1998) by 1998 c. 22, ss. 11(1), 27(4)

**F35** S. 25A(12)(13) added (1.12.2006 for specified purposes) by National Lottery Act 2006 (c. 23), ss. 13(2), 22(1); S.I. 2006/3201, art. 2(b)

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

**C5** S. 25A(4) applied (8.7.2005) by Horserace Betting and Olympic Lottery Act 2004 (c. 25), s. 40, Sch. 5 para. 13(2)(a); S.I. 2005/1831, art. 2

**C6** Ss. 25A(5)-(7) applied (8.7.2005) by Horserace Betting and Olympic Lottery Act 2004 (c. 25), s. 40, Sch. 5 para. 13(2)(b); S.I. 2005/1831, art. 2

**C7** Ss. 25A(8)-(11) applied (8.7.2005) by Horserace Betting and Olympic Lottery Act 2004 (c. 25), s. 40, Sch. 5 para. 13(2)(c); S.I. 2005/1831, art. 2

#### [<sup>F36</sup>25B Joint schemes for distribution of money by distributing bodies.

(1) A body which distributes money under subsection (1) of section 25 may, in accordance with the following provisions of this section, participate with one or more other such bodies in a joint scheme for the distribution of money under that subsection.

(2) A body may participate in a joint scheme if the principal purposes of the joint scheme include purposes for which the body has power to distribute money under subsection (1) of section 25, notwithstanding that the body would not, apart from this section, have power to distribute money under that subsection for meeting expenditure on some of the particular projects for which money may be distributed under the scheme.

(3) Money shall not, under a joint scheme, be distributed for meeting expenditure on any particular project unless the expenditure is such that—

- (a) at least one of the bodies participating in the joint scheme has power, acting alone, to distribute money under section 25(1) for meeting the expenditure, or
- (b) two or more of the bodies participating in the joint scheme, taken together, have power between them to distribute money under section 25(1) for meeting the expenditure.

(4) Nothing in subsection (3) affects the liability of each body participating in a scheme in relation to the distribution of any money under section 25(1) under the scheme.

(5) Schedule 3A contains supplementary provision in relation to joint schemes.



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[ References in this section (however expressed) to distribution under section 25(1) of <sup>F37</sup>(6) money for meeting expenditure are to be construed in accordance with section 25(5).]

#### Textual Amendments

**F36** S. 25B inserted (2.7.1998) by 1998 c. 22, ss. 12(1), 27(4).

**F37** S. 25B(6) inserted (retrospectively) by National Lottery (Funding of Endowments) Act 2003 (c. 23), s. 1(4)(9)

#### [<sup>F38</sup>25C Strategic plans for distributing bodies.

- (1) If the Secretary of State instructs it do so, a body which distributes money under section 25(1) shall, in accordance with the following provisions of this section,—
  - (a) prepare and adopt a strategic plan, or
  - (b) review and modify any strategic plan which it has adopted, or
  - (c) replace any strategic plan which it has adopted by preparing and adopting another.
- (2) In this section “strategic plan”, in the case of any body, means a statement containing the body’s policies for the distribution of the money likely to be available to it for distribution under section 25(1).
- (3) A strategic plan must also contain—
  - (a) a statement of any directions given to the body by the Secretary of State under section 26(1) [<sup>F39</sup>or 36E,]
  - (b) a statement of the estimate given to the body by the Secretary of State of the money likely to be available for distribution by the body under section 25(1),
  - (c) a statement of the body’s assessment of the needs which the body has power to deal with, in whole or in part, by distributing money under section 25(1), and
  - (d) a statement of the body’s priorities in dealing with those needs by the distribution of money under section 25(1).
- (4) A strategic plan must be such as to demonstrate how the body is taking into account or, as the case may be, complying with the directions mentioned in subsection (3)(a).
- (5) Before adopting a strategic plan, a body shall—
  - (a) consult such other bodies as it thinks fit for the purpose of identifying the needs mentioned in subsection (3)(c) and formulating the policies to be adopted for dealing with those needs,
  - (b) prepare a draft of the proposed plan,
  - (c) send a copy of the draft to the Secretary of State, and
  - (d) after consultation with the Secretary of State, make such modifications to the draft as it considers necessary or expedient.
- (6) Where a body adopts a strategic plan—
  - (a) the body shall send copies of the document containing the plan to the Secretary of State, and
  - (b) the Secretary of State shall lay a copy of the document before each House of Parliament.



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(7) Nothing in this section applies in relation to any body which distributes under section 25(1) money allocated under section 22(3)(e).]

#### Textual Amendments

**F38** S. 25C inserted (2.9.1998) by 1998 c. 22, ss. 13, 27(5).

**F39** Words in s. 25C(3)(a) substituted (1.12.2006) by National Lottery Act 2006 (c. 23), ss. 19(2), 22(1); S.I. 2006/3201, art. 2(d)

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

**C8** S. 25C (except s. 25C(3)(b)): transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

**C9** S. 25C(1) (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

**C10** S. 25C(3)(a) modified (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

**C11** S. 25C(5)(c)(d)(6): certain functions made exercisable by the Scottish Ministers concurrently with the Minister concerned (1.7.1999) by S.I. 1999/1750, arts. 1(1), 3, Sch. 2 (with art. 7); S.I. 1998/3178, art. 3

**C12** S. 25(6)(b) modified (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

#### <sup>F40</sup>[25D Strategic plans for distributing bodies in or as regards Scotland

The functions of the Secretary of State—

- (a) under section 25C(1) shall, as regards instructions to—
  - (i) any body specified in section 23(1) <sup>F41</sup> whose functions exclusively or mainly relate to the arts in Scotland; or
  - (ii) any body specified in section 23(2) <sup>F42</sup> whose functions exclusively or mainly relate to sport in Scotland; and
- (b) under section 25C(5)(c) and (d) and (6) shall, as regards strategic plans prepared by any body other than—
  - (i) any body specified in section 23(1) whose functions relate exclusively or mainly to the arts in any one of England, Wales or Northern Ireland; or
  - (ii) any body specified in section 23(2) whose functions relate exclusively or mainly to sport in any one of England, Wales or Northern Ireland,
 be treated as exercisable in or as regards Scotland and may be exercised separately.]

#### Textual Amendments

**F40** S. 25D inserted (30.6.1999) by S.I. 1999/1756, arts. 1(1), 2, Sch. para. 15(2) (with art. 8); S.I. 1998/3178, art. 3

**F41** Section 23(1) was amended by S.I. 1994/1342 and 1995/2088.

**F42** Section 23(2) was amended by S.I. 1996/3095.

#### <sup>F43</sup>[25E Distribution of funds: publicity

A body which distributes money under section 25(1) may make or participate in arrangements for—

- (a) publishing information relating to the effect of a provision of this Act,

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- (b) publishing information relating to the distribution of money under this Act or the expenditure of money distributed under this Act, or
- (c) encouraging participation in activities relating to the distribution of money under this Act.]

#### Textual Amendments

**F43** S. 25E inserted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 11, 22(1)**; S.I. 2006/2630, art. 2(c)

#### *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.
- <sup>F44</sup>[(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) [<sup>F45</sup>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.
- <sup>F46</sup>[(4A) Directions under subsection (3A) may in particular—
  - (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.
- [<sup>F47</sup>(6) This section does not apply to the Big Lottery Fund.]

*Status: Point in time view as at 01/12/2006.*

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### Textual Amendments

- F44** S. 26(3A) inserted (2.7.1998) by 1998 c. 22, **ss. 11(2)**, 27(4).  
**F45** Words in s. 26(4) inserted (2.7.1998) by 1998 c. 22, **s. 11(3)**.  
**F46** S. 26(4A) inserted (2.7.1998) by 1998 c. 22, **ss.11(4)**, 27(4).  
**F47** 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)

- C13** 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**
- C14** S. 26(1)(5): transfer of certain functions (1.7.1999) by S.I. 1999/672, **art. 2, Sch. 1**
- C15** 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**
- C16** 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**
- C17** 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**
- C18** 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**
- C19** 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**  
 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**

### Commencement Information

- II** 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**

## <sup>F48</sup>[26A Directions to distributing bodies in or as regards Scotland

- (1) The functions of the Secretary of State—
- (a) under section 26(1), (3), (3A) <sup>F49</sup> (4) <sup>F50</sup> and (5) shall, as regards directions to—
    - (i) any body specified in section 23(1) <sup>F51</sup> whose functions exclusively or mainly relate to the am in Scotland; or
    - (ii) any body specified in section 23(2) <sup>F52</sup> whose functions exclusively or mainly relate to sport in Scotland; and
  - (b) under section 26(3A) shall, as regards directions to any other body except—

*Status: Point in time view as at 01/12/2006.*

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- (i) any body specified in section 23(1) whose functions relate exclusively or mainly to the arts in any one of England, Wales or Northern Ireland; or
  - (ii) any body specified in section 23(2) whose functions relate exclusively or mainly to sport in any one of England, Wales or Northern Ireland,
- be treated as exercisable in or as regards Scotland and may be exercised separately.
- (2) Directions given to the National Lottery Charities Board or the New Opportunities Fund under section 26(1) or to the Trustees of the National Heritage Memorial Fund under section 26(2) may be made—
- (a) to apply to the whole of the United Kingdom and provide for all matters other than those to be provided specifically for Scotland in accordance with subsection (3); or
  - (b) to apply only to Scotland and provide for the matters specified in subsection (3).
- (3) Directions given in accordance with subsection (2)(b) may, in relation to any distribution made for a purpose which does not concern reserved matters, provide for priorities and other matters to be taken into account in determining the persons to whom and the purposes for which the money available for distribution in Scotland is distributed and in determining conditions of distribution for the purpose of specific cases but may not provide for—
- (a) the total allocation of resources to Scotland or between Scotland and other parts of the United Kingdom; or
  - (b) except in relation to any initiative specified in an order made under section 43B<sup>F53</sup> which applies only in Scotland, the general conditions subject to which lottery money is distributed in accordance with directions applying to the whole of the United Kingdom.]

#### Textual Amendments

- F48** S. 26A inserted (30.6.1999) by S.I. 1999/1756, arts. 1(1), 2, **Sch. para. 15(3)** (with art. 8); S.I. 1998/3178, **art. 3**
- F49** Section 26(3A) was inserted by the 1998 Act section 11(2).
- F50** Section 26(4) was amended by the 1998 Act, section 11(3).
- F51** Section 23(1) was amended by S.I. 1994/1342 and 1995/2088.
- F52** Section 23(2) was amended by S.I. 1996/3095,
- F53** Section 43B was inserted by the 1998 Act section 7(2).

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

- C20** S. 26(1)(b): amended (1.7.1999) by S.I. 1999/1750, arts. 1(1), 4, **Sch. 3** (with art. 7); S.I. 1998/3178, **art. 3**
- C21** S. 26(2)(a): amended (1.7.1999) by S.I. 1999/1750, arts. 1(1), 4, **Sch. 3** (with art. 7); S.I. 1998/3178, **art. 3**

## 27 Power to prohibit distribution in certain cases.

- (1) Where subsection (2) applies, the Secretary of State may by order prohibit a body from distributing money under section 25(1) to a person specified in the order.

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- (2) This subsection applies if at the time the order is made—
- (a) the person specified is a company of which the body, or a wholly-owned subsidiary of the body, is a member, or
  - (b) the Secretary of State considers that the body is able (whether directly or indirectly) to control or materially to influence the policy of the person specified in carrying on any undertaking or performing any functions.
- (3) In subsection (2)—
- (a) “company” means a company formed and registered under the <sup>M2</sup>Companies Act 1985 or the <sup>M3</sup>Companies (Northern Ireland) Order 1986 or a company to which the provisions of that Act or Order apply as they apply to a company so formed and registered, and
  - (b) “wholly-owned subsidiary” has the meaning given by section 736 of that Act or Article 4 of that Order.
- (4) Where subsection (5) applies, the Secretary of State may give directions to a body—
- (a) prohibiting it from distributing money under section 25(1) to a person in Northern Ireland specified in the directions, or
  - (b) requiring it to secure that any money distributed by it under section 25(1) to such a person is not applied for a purpose specified in the directions.
- (5) This subsection applies if at the time the directions are given the Secretary of State considers that—
- (a) a proscribed organisation for the purposes of the <sup>M4</sup>Northern Ireland (Emergency Provisions) Act 1991, or
  - (b) any other organisation that appears to him to be concerned in terrorism in Northern Ireland or in promoting or encouraging it,
- might directly or indirectly derive benefit from the distribution of money to the person specified.
- (6) In subsection (5) “benefit” includes benefit of a non-financial nature and, in particular, an enhancement of reputation.
- (7) A body may not disclose to any other person either the identity of any person specified in directions given to it under subsection (4) or any information that might lead to the identification of such a person.
- (8) A body shall provide the Secretary of State with such information as he may require for the purpose of exercising his powers under this section in relation to the body.
- [<sup>F54</sup>(9) The function of the Secretary of State—
- (a) under subsection (1) to prohibit a body from distributing money; or
  - (b) under subsection (8) to require information,
- may, in relation to—
- (i) any body specified in section 23(1) whose functions exclusively or mainly relate to the arts in Scotland; or
  - (ii) any body specified in section 23(2) whose functions exclusively or mainly relate to sport in Scotland,
- be exercised separately.]

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#### Textual Amendments

**F54** S. 27(9) added (30.6.1999) by S.I. 1999/1756, arts. 1(1), 2, **Sch. para. 15(4)** (with art. 8); S.I. 1998/3178, **art. 3**

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

**C22** S. 27: transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

**C23** S. 27(1): 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**

**C24** S. 27(8): 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**

#### Marginal Citations

**M2** 1985 c. 6.

**M3** S.I. 1986/1032 (N.I. 6).

**M4** 1991 c. 24.

### 28 Power to amend section 22.

- (1) The Secretary of State may by order amend section 22(3) so as to substitute different percentages for any of the percentages for the time being specified there.
- (2) Any amendment made under this section shall be such that—
  - (a) no percentage lower than 5 per cent. is specified in section 22(3), and
  - (b) the percentages specified in section 22(3) amount in total to 100 per cent.
- (3) Without prejudice to the generality of section 60(5), an order under this section may provide for sums that apart from the order would be held in the Distribution Fund for distribution by a particular body to be held in the Distribution Fund for distribution by another body specified in section 23.

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

**C25** S. 28 (as read with s. 43CC(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**

### 29 Power to amend section 23.

- (1) The Secretary of State may by order amend subsection (1), (2), (3) or (4) of section 23 so as—
  - (a) to substitute a different body for any body for the time being specified in that subsection;
  - (b) to add another body to the bodies or body for the time being specified in it;
  - (c) to omit any body for the time being specified in it;
  - (d) to substitute different percentages for any percentages for the time being specified in it.
- (2) Any amendment made under subsection (1) shall be such that the amended subsection—

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- (a) provides for the whole of the sum mentioned in that subsection to be held for distribution by the one body specified in that subsection, or
  - (b) provides for the whole of that sum to be held for distribution by the two or more bodies specified in that subsection and specifies, in relation to each of those bodies, what percentage of that sum is to be held for distribution by that body.
- (3) The Secretary of State may by order provide that subsection (1), (2), (3) or (4) of section 23 shall, pending the making of an order amending that subsection under subsection (1),—
- (a) cease to have effect, or
  - (b) have effect as if any of the bodies for the time being specified in it were omitted.
- (4) Without prejudice to the generality of section 60(5)—
- (a) an order made under subsection (1) may provide for sums that apart from the order would be held in the Distribution Fund for distribution by a particular body to be held in the Distribution Fund for distribution by another body (being a body that on the coming into force of the order is specified in the subsection amended by the order);
  - (b) an order made under subsection (3) may provide for sums that apart from the order would be held in the Distribution Fund for distribution by a particular body to be held in the Distribution Fund in the name of the Secretary of State, pending being held for distribution by another body in accordance with the order to be made under subsection (1).
- (5) Without prejudice to the generality of subsection (1), the Secretary of State may exercise his powers under that subsection so as to remove from section 23 any body that has contravened or failed to comply with a requirement or prohibition imposed on it by or under section 26 or 27.
- [<sup>F55</sup>(6) The functions of the Secretary of State under this section shall, in so far as they relate to—
- (a) substitution of a different body for, or addition of another body to, the body specified in section 23(3) or (4) or omission of a body specified in either of those subsections; or
  - (b) substitution of a different percentage for the total aggregate percentage specified as held in the Distribution Fund for—
    - (i) any body or bodies specified in section 23(1) whose functions exclusively or mainly relate to the arts in Scotland, or
    - (ii) any body or bodies specified in section 23(2) whose functions exclusively or mainly relate to sport in Scotland;
  - (c) substitution of a different body for, or addition of another body to, any such body specified in section 23(1) or (2) as is mentioned in paragraph (b) above or omission of any such body specified in section 23(1) or (2); or
  - (d) where more than one such body is specified in section 23(1) or (2), specification of the particular percentage held in the Distribution Fund for distribution by any one of those bodies,
- be treated as exercisable in or as regards Scotland and may be exercised separately.]



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### Textual Amendments

**F55** S. 29(6) added (30.6.1999) by S.I. 1999/1756, arts. 1(1), 2, **Sch. para. 15(5)** (with art. 8); S.I. 1998/3178, **art. 3**

### Modifications etc. (not altering text)

**C26** S. 29(1) (as read with s. 29(6)(c)(d)): 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. 29(1) (as read with s. 29(6)(a)(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**

S. 29(1): functions amended (1.7.1999) by S.I. 1999/672, **art. 5, Sch. 2**

**C27** S. 29(3) (as read with s. 29(6)(c)(d)): 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. 29(3) (as read with s. 29(6)(a)(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**

**C28** S. 29(3)(b): functions amended (1.7.1999) by S.I. 1999/672, **art. 5, Sch. 2**

**C29** S. 29(4) (as read with s. 29(6)(c)(d)): 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. 29(4) (as read with s. 29(6)(a)(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**

**C30** S. 29(5) (as read with s. 29(6)(c)(d)): 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. 29(5) (as read with s. 29(6)(a)(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**

## [<sup>F56</sup>29A Reallocation of funds

- (1) This section applies where money is—
  - (a) allocated for a purpose under section 22(3), and
  - (b) held for distribution by a body under section 23.
- (2) The Secretary of State may by order provide for the money to be held for distribution by a different body specified in the order (without altering the purpose for which the money is allocated).
- (3) Before making an order under this section the Secretary of State shall consult—
  - (a) each body mentioned in the order,
  - (b) the National Assembly for Wales,
  - (c) the Scottish Ministers,
  - (d) the Northern Ireland Department of Culture, Arts and Leisure, and
  - (e) such other persons (if any) as he thinks appropriate.]

### Textual Amendments

**F56** S. 29A inserted (1.10.2006) by National Lottery Act 2006 (c. 23), **ss. 8(1), 22(1)**; S.I. 2006/2630, **art. 2(b)**

*Status: Point in time view as at 01/12/2006.*

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*Winding up of fund allocated under section 22(3)(e)*

**F57 30 Winding up of fund allocated under section 22(3)(e).**

.....

**Textual Amendments**

**F57** S. 30 repealed (8.4.2005) by [Horserace Betting and Olympic Lottery Act 2004 \(c. 25\)](#), ss. 34(10), 40, [Sch. 6](#); S.I. 2005/1134, art. 2

*Distribution Fund: further provisions*

**31 Payments from Distribution Fund in respect of expenses.**

(1) At such times as the Secretary of State with the approval of the Treasury determines to be appropriate, payments shall be made into the Consolidated Fund out of so much of any money in the Distribution Fund as is held under section 22(2).

(2) The payments shall be of such amounts as the Secretary of State with the approval of the Treasury determines to be appropriate for—

<sup>F58</sup>(a) .....

<sup>F59</sup>[(aa) meeting payments made or to be made under paragraph 10 of Schedule 2A,]

(b) defraying expenses incurred or to be incurred by the Secretary of State in exercising his functions under this Act, and

(c) defraying expenses incurred or to be incurred by the National Debt Commissioners in making investments under section 32.

<sup>F60</sup>(3) .....

<sup>F61</sup>[(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).]

**Textual Amendments**

**F58** S. 31(2)(a) repealed (1.4.1999) by [1998 c. 22](#), ss. 1(5), 26, [Sch. 1 Pt. III para. 15\(2\)\(a\)](#), [Sch. 5 Pt. I](#); S.I. 1999/650, [art. 2](#).

**F59** S. 31(2)(aa) inserted (1.4.1999) by [1998 c. 22](#), s. 1(5), [Sch. 1 Pt. III para. 15\(2\)\(b\)](#); S.I. 1999/650, [art. 2](#).

**F60** S. 31(3) repealed (1.4.1999) by [1998 c. 22](#), ss. 1(5), 26, [Sch. 1 Pt. III para. 15\(3\)](#), [Sch. 5 Pt. I](#); S.I. 1999/650, [art. 2](#).

**F61** S. 31(4) added (1.4.1999) by [1998 c. 22](#), s. 1(5), [Sch. 1 Pt. III para. 15\(4\)](#); S.I. 1999/650, [art. 2](#).

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

**C31** S. 31 extended (2.7.1998) by [1998 c. 22](#), [s. 8\(7\)](#).

S. 31 extended (2.7.1998) by [1998 c. 22](#), s. 16(2), [Sch. 4 para. 11](#).

*Status: Point in time view as at 01/12/2006.*

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### 32 Investment of Distribution Fund.

- (1) So much of any money in the Distribution Fund as is neither held under section 22(2) nor immediately required for making payments under section 24 may be paid over to the National Debt Commissioners and invested by them in accordance with such directions as may be given by the Treasury.
- (2) The proceeds of any investment made under subsection (1) or this subsection may be re-invested by the National Debt Commissioners in accordance with such directions as may be given by the Treasury.
- (3) The proceeds of any investment made under subsection (1) or (2) shall, if they are not re-invested under subsection (2), be paid into the Distribution Fund and—
  - (a) to the extent that the proceeds are attributable to the investment of sums paid under subsection (1) out of money held for distribution by a body specified in section 23, held in the Distribution Fund for distribution by that body (subject to any order under section 28 or 29);
  - (b) to the extent that the proceeds are attributable to the investment of sums paid under subsection (1) out of money held in the name of the Secretary of State by virtue of paragraph (b) of section 29(4), held in the Distribution Fund in his name as mentioned in that paragraph (or where the order under section 29(1) mentioned in that paragraph has been made, held in accordance with that order).
- (4) In this section “proceeds”, in relation to an investment, means any interest or dividends received in respect of the investment and any sums received on the realisation of the investment.

<sup>F62</sup>(5) .....

#### Textual Amendments

**F62** S. 32(5) repealed (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), ss. 9(b), 22(1), [Sch. 3](#); S.I. 2006/3201, art. 2(e)

### 33 Accounts of the Secretary of State and National Debt Commissioners.

- (1) The Secretary of State shall prepare accounts in respect of the Distribution Fund in such form, and in such manner and at such times, as the Treasury may direct.
- (2) The National Debt Commissioners shall prepare accounts in respect of any investments under section 32 in such form, and in such manner and at such times, as the Treasury may direct.
- (3) Each account prepared under subsection (1) or (2) shall be sent to the Comptroller and Auditor General who shall examine, certify and report on it and shall lay copies of it and of his report before Parliament.
- <sup>F63</sup>(4) For the purpose of exercising his examination function in relation to any accounts prepared under subsection (1), the Comptroller and Auditor General—
  - (a) shall have a right of access at all reasonable times to any documents which he reasonably requires which are in the custody or under the control of any section 5 licensee; and

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- (b) shall have a right to require from any officer or employee of any section 5 licensee, or from the auditors of any section 5 licensee, an explanation of, or information relating to, any such documents;
- but a section 5 licensee shall not, by virtue only of this subsection, be a body to which section 6 of the <sup>M5</sup>National Audit Act 1983 applies.
- (5) For the purpose of—
- (a) exercising his examination function in relation to any accounts prepared under subsection (1), or
  - (b) deciding whether, or to what extent, to exercise any right conferred by subsection (4),
- the Comptroller and Auditor General shall have regard to any information which the Director General has obtained from any section 5 licensee and which is relevant to the exercise of that function.
- (6) Where, in exercising his examination function in relation to any accounts prepared under subsection (1), the Comptroller and Auditor General obtains any information which gives him grounds to believe that a section 5 licensee has, or may have, contravened any of the conditions of its licence under section 5, the Comptroller and Auditor General shall as soon as practicable disclose that information to the Director General.
- (7) A section 5 licensee shall be under a duty—
- (a) to permit the Comptroller and Auditor General to exercise the right conferred by subsection (4)(a); and
  - (b) to do all that may be reasonably practicable to secure that any person who under subsection (4)(b) is required to provide an explanation of, or information relating to, any document complies with that requirement;
- and any breach of that duty shall be actionable at the suit of the Comptroller and Auditor General.
- (8) The right of access to documents conferred by subsection (4)(a) includes a right to take copies of or make extracts from documents.
- (9) In this section any reference to documents includes a reference to information held by means of a computer or in any other electronic form; and in the case of information so held the right of access conferred by subsection (4)(a) includes a right of access to, and to take copies of, that information in a visible and legible form.
- (10) In this section—
- “examination function”, in relation to the Comptroller and Auditor General, means his function under subsection (3);
- “section 5 licensee” means a body which holds or has held a licence under section 5.]

#### Textual Amendments

**F63** S. 33(4)-(10) inserted (2.9.1998) by 1998 c. 22, ss. 5(2)(3), 27(5).

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

**C32** S. 33 applied (with modifications) (8.4.2005) by Horserace Betting and Olympic Lottery Act 2004 (c. 25), ss. 34(11), 40; S.I. 2005/1134, art. 2

*Status: Point in time view as at 01/12/2006.*

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### Marginal Citations

M5 1983 c. 44.

### *Reports and accounts of distributing bodies*

#### 34 Annual reports by distributing bodies <sup>F64</sup>....

- (1) As soon as possible after the end of every financial year, each body that in that year was paid any money under section 24 or distributed or applied any money under section 25 shall make a report to the Secretary of State on the exercise during that year of its functions under this Act.
- (2) The report shall set out any directions given to the body under section 26 that had effect during the financial year to which the report relates.
- [<sup>F65</sup>(2A) The report shall set out the body's policy and practice in relation to the principle that proceeds of the National Lottery should be used to fund projects, or aspects of projects, for which funds would be unlikely to be made available by—
- (a) a Government department,
  - (b) the Scottish Ministers,
  - (c) a Northern Ireland department, or
  - (d) the National Assembly for Wales.]
- (3) The Secretary of State shall lay a copy of every report received by him under this section before Parliament.
- <sup>F66</sup>(4) .....
- [<sup>F67</sup>(5) The functions of the Secretary of State under this section shall, in so far as they relate to any body other than—
- (a) any body specified in section 23(1) whose functions relate exclusively or mainly to the arts in any one of England, Wales or Northern Ireland; or
  - (b) any body specified in section 23(2) whose functions relate exclusively or mainly to sport in any one of England, Wales or Northern Ireland,
- be treated as exercisable in or as regards Scotland and may be exercised separately.]
- [<sup>F68</sup>(6) Where a report is made under subsection (1) to the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998), the Scottish Ministers shall lay a copy of the report before the Scottish Parliament.]

### Textual Amendments

- F64** Words in s. 34 heading omitted (1.12.2006) by virtue of [National Lottery Act 2006 \(c. 23\)](#), **ss. 19(4)(b)**, 22(1); [S.I. 2006/3201](#), **art. 2(d)**
- F65** S. 34(2A) inserted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 12**, 22(1); [S.I. 2006/2630](#), **art. 2(c)** (with **art. 4**)
- F66** S. 34(4) repealed (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 19(4)(a)**, 22(1), **Sch. 3**; [S.I. 2006/3201](#), **art. 2(d)(e)**
- F67** S. 34(5) added (30.6.1999) by [S.I. 1999/1756](#), **arts. 1(1)**, 2, **Sch. para. 15(6)**; [S.I. 1998/3178](#), **art. 3**
- F68** S. 34(6) added (1.7.1999) by [S.I. 1999/1750](#), **arts. 1(1)**, 6(1), **Sch. 5 para. 12(3)** (with **art. 8**); [S.I. 1998/3178](#), **art. 3**

*Status: Point in time view as at 01/12/2006.*

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

- C33** S. 34: certain functions made exercisable by the Scottish Ministers concurrently with the Minister (1.7.1999) by S.I. 1999/1750, arts. 1(1), 3, Sch. 2 (with art. 7); S.I. 1998/3178, art. 3
- C34** S. 34(3) modified (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

### 35 Accounts of distributing bodies other than <sup>F69</sup>the Big Lottery Fund].

- (1) A body shall keep proper accounts in respect of any money paid to it under section 24 and proper records in relation to the accounts.
- (2) A body shall prepare a statement of accounts in respect of each financial year in which it was paid any money under section 24 or distributed or applied any money under section 25.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) The Secretary of State shall not give a direction under this section without the Treasury's approval.
- (7) This section does not apply to <sup>F70</sup>the Big Lottery Fund].
- <sup>F71</sup>(8) The functions of the Secretary of State—
  - (a) under subsection (3) to give directions shall, in so far as they relate to—
    - (i) any body specified in section 23(1) whose functions exclusively or mainly relate to the arts in Scotland; or
    - (ii) any body specified in section 23(2) whose functions exclusively or mainly relate to sport in Scotland; and
  - (b) under subsection (4) to receive copies of the statement shall, in so far as they relate to any body other than—
    - (i) any body specified in section 23(1) whose functions relate exclusively or mainly to the arts in any one of England, Wales or Northern Ireland; or
    - (ii) any body specified in section 23(2) whose functions relate exclusively or mainly to sport in any one of England, Wales or Northern Ireland, be treated as exercisable in or as regards Scotland and may be exercised separately.]

#### Textual Amendments

- F69** Words in s. 35 heading substituted (1.12.2006) by National Lottery Act 2006 (c. 23), ss. 19(5)(b), 22(1); S.I. 2006/3201, art. 2(d)

*Status: Point in time view as at 01/12/2006.*

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**F70** Words in s. 35(7) substituted (1.12.2006) by National Lottery Act 2006 (c. 23), ss. 19(5)(a), 22(1); S.I. 2006/3201, art. 2(d)

**F71** S. 35(8) added (30.6.1999) by S.I. 1999/1756, arts. 1(1), 2, Sch. para. 15(7) (with art. 8); S.I. 1998/3178, art. 3

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

**C35** S. 35(3) (as read with s. 43CC(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. 35(3): functions amended (1.7.1999) by S.I. 1999/672, art. 5, Sch. 2

**C36** S. 35(4): certain functions made exercisable by the Scottish Ministers concurrently with the Minister concerned (1.7.1999) by S.I. 1999/1750, arts. 1(1), 3, Sch. 2 (with art. 7); S.I. 1998/3178, art. 3

**C37** S. 35(5) modified (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

*The Trustees of the National Heritage Memorial Fund*

**36 Amendment of the National Heritage Act 1980.**

The <sup>M6</sup>National Heritage Act 1980 shall have effect with the amendments set out in Schedule 4.

**Marginal Citations**

**M6** 1980 c. 17.

*[<sup>F72</sup>The Big Lottery Fund*

**Textual Amendments**

**F72** S. 39A and cross-heading inserted (1.8.2006) by National Lottery Act 2006 (c. 23), ss. 14(1), 22(1); S.I. 2006/2177, art. 2

**36A The Fund**

- (1) There shall be a body corporate known as the Big Lottery Fund.
- (2) Schedule 4A (which makes provision in relation to the Fund) shall have effect.]

**[<sup>F73</sup>36B Power to distribute funds**

- (1) The Big Lottery Fund may make grants or loans, or make or enter into other arrangements, for the purpose of complying with section 25(1).
- (2) A grant or loan may be subject to conditions (which may, in particular, include conditions as to repayment with interest).
- (3) The Secretary of State may by order make provision limiting the amounts distributed under subsection (1).
- (4) An order under subsection (3) may in particular—



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- (a) specify a maximum amount that may be distributed during a specified period for expenditure of a description prescribed under section 22(3A);
  - (b) specify a minimum amount that must be distributed during a specified period for expenditure of a description prescribed under section 22(3A);
  - (c) make provision by reference to the aggregate of amounts distributed, to a percentage of amounts available for distribution or otherwise;
  - (d) make provision (which may, in particular, confer a power on the Fund) for the treatment of expenditure which satisfies more than one prescribed description.
- (5) Before making an order under subsection (3) the Secretary of State shall consult—
- (a) the Fund,
  - (b) the National Assembly for Wales,
  - (c) the Scottish Ministers,
  - (d) the Northern Ireland Department of Culture, Arts and Leisure, and
  - (e) such other persons (if any) as he thinks appropriate.

#### Textual Amendments

**F73** 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)**

### 36C Non-lottery funds

- (1) The Fund may enter into an arrangement with a person under which—
- (a) the person pays money to the Fund, and
  - (b) the Fund distributes the money to a third party.
- (2) An arrangement under subsection (1) may, in particular—
- (a) identify the third party, or
  - (b) otherwise limit the Fund's freedom of action in relation to the distribution of the money paid under the arrangement.
- (3) The Fund shall distribute money received under subsection (1) for meeting expenditure that is—
- (a) charitable,
  - (b) connected with health,
  - (c) connected with education, or
  - (d) connected with the environment.
- (4) The reference in subsection (3) to the distribution of money received under subsection (1) is a reference to doing anything of a kind that the Fund can do under section 36B.
- (5) A reference in this Act to payment under section 25(1) shall include a reference to payment under subsection (3) above.

#### Textual Amendments

**F73** 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)**

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### 36D Power to give advice

The Big Lottery Fund may give advice about—

- (a) the distribution of money under any provision of this Act;
- (b) inviting, making or considering applications for grants and loans under any provision of this Act;
- (c) the use of money paid under any provision of this Act.

#### Textual Amendments

**F73** 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)

### 36E Directions

- (1) In exercising any of its functions the Big Lottery Fund shall comply with any direction given to it by the Secretary of State (subject to subsection (4)).
- (2) A direction under this section may, in particular, specify matters to be taken into account in determining the persons to whom, the purposes for which and the conditions subject to which the Fund distributes money.
- (3) A direction under this section may, in particular—
  - (a) relate to the management and control of money received by the Fund;
  - (b) relate to the employment of staff;
  - (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 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.
- (4) A direction under 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 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

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- (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 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 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**

**F73** 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\(c\)](#)

*The National Lottery Charities Board*

**F74**<sup>37</sup> **The National Lottery Charities Board.**

.....

**Textual Amendments**

**F74** Ss. 37-39 repealed (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 19(6)(a), 22(1), Sch. 3**; S.I. 2006/3201, [art. 2\(d\)\(e\)](#)

**F74**<sup>38</sup> **Grants to charities etc.**

.....

**Textual Amendments**

**F74** Ss. 37-39 repealed (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 19(6)(a), 22(1), Sch. 3**; S.I. 2006/3201, [art. 2\(d\)\(e\)](#)

**F74**<sup>39</sup> **Accounts.**

.....

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**Textual Amendments**

**F74** Ss. 37-39 repealed (1.12.2006) by National Lottery Act 2006 (c. 23), ss. 19(6)(a), 22(1), **Sch. 3**; S.I. 2006/3201, art. 2(d)(e)

*The Millennium Commission*

**F75 40 The Millennium Commission.**

.....

**Textual Amendments**

**F75** Ss. 40-43 repealed (1.12.2006) by National Lottery Act 2006 (c. 23), ss. 19(6)(b), 22(1), **Sch. 3**; S.I. 2006/3201, art. 2(d)(e)

**F75 41 Grants in respect of projects.**

.....

**Textual Amendments**

**F75** Ss. 40-43 repealed (1.12.2006) by National Lottery Act 2006 (c. 23), ss. 19(6)(b), 22(1), **Sch. 3**; S.I. 2006/3201, art. 2(d)(e)

**F75 42 Annual report.**

.....

**Textual Amendments**

**F75** Ss. 40-43 repealed (1.12.2006) by National Lottery Act 2006 (c. 23), ss. 19(6)(b), 22(1), **Sch. 3**; S.I. 2006/3201, art. 2(d)(e)

**F75 43 Accounts.**

.....

**Textual Amendments**

**F75** Ss. 40-43 repealed (1.12.2006) by National Lottery Act 2006 (c. 23), ss. 19(6)(b), 22(1), **Sch. 3**; S.I. 2006/3201, art. 2(d)(e)

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<sup>F76</sup> *The New Opportunities Fund*

**Textual Amendments**

**F76** Crossheading and ss. 43A-43D inserted (2.7.1998) by 1998 c. 22, ss. 7(2), 27(4)

<sup>F77</sup> **43A The New Opportunities Fund.**

.....

**Textual Amendments**

**F77** Ss. 43A-43D repealed (1.12.2006) by National Lottery Act 2006 (c. 23), ss. 19(6)(c), 22(1), Sch. 3; S.I. 2006/3201, art. 2(d)(e)

<sup>F77</sup> **43B Functions of the New Opportunities Fund.**

.....

**Textual Amendments**

**F77** Ss. 43A-43D repealed (1.12.2006) by National Lottery Act 2006 (c. 23), ss. 19(6)(c), 22(1), Sch. 3; S.I. 2006/3201, art. 2(d)(e)

<sup>F77</sup> **43C Provisions supplemental to section 43B.**

.....

**Textual Amendments**

**F77** Ss. 43A-43D repealed (1.12.2006) by National Lottery Act 2006 (c. 23), ss. 19(6)(c), 22(1), Sch. 3; S.I. 2006/3201, art. 2(d)(e)

<sup>F77</sup> **43CC Directions to New Opportunities Fund in or as regards Scotland**

.....

**Textual Amendments**

**F77** Ss. 43A-43D repealed (1.12.2006) by National Lottery Act 2006 (c. 23), ss. 19(6)(c), 22(1), Sch. 3; S.I. 2006/3201, art. 2(d)(e)

<sup>F77</sup> **43D] Accounts.**

.....

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#### Textual Amendments

**F77** Ss. 43A-43D repealed (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), ss. 19(6)(c), 22(1), [Sch. 3](#); [S.I. 2006/3201](#), art. 2(d)(e)

### *Supplementary*

#### 44 Interpretation of Part II.

(1) In this Part—

[<sup>F78</sup>“charitable”, in relation to expenditure, means expenditure for a charitable, benevolent or philanthropic purpose.]

<sup>F79</sup>  
...

“the Distribution Fund” means the National Lottery Distribution Fund;

[<sup>F80</sup>“education” includes training and the provision of activities for children;

[<sup>F81</sup>“endowment” includes permanent endowment;]

“the environment” includes the living and social environment;]

“expenditure on or connected with the national heritage” [<sup>F82</sup>means expenditure for any purpose for which expenditure may be incurred under section 3, 3A or 4 of the National Heritage Act 1980]

“financial year”, in relation to a body, means—

(a) the period beginning with the date on which the body is established and ending with the next 31st March, and

(b) each successive period of twelve months ending with 31st March.

[<sup>F83</sup>“joint scheme” means a joint scheme under section 25B;]

(2) For the purposes of the definition of “expenditure on or connected with the national heritage” in subsection (1), any reference in section 3 [<sup>F84</sup>3A or 4] of the National Heritage Act 1980 to the opinion of the Trustees shall be read, in relation to any body other than the Trustees of the National Heritage Memorial Fund that is for the time being specified in section 23(3), as a reference to the opinion of that body.

[<sup>F85</sup>(3) A project or arrangement shall be regarded for the purposes of this Part as concerned or connected with health, education or the environment notwithstanding that it contains incidental provision—

(a) which is not concerned or connected with any of those matters; but

(b) which is necessary or expedient for the purposes of the project or arrangement.]

[<sup>F86</sup>(4) Any reference in this Part to the distribution of money shall be construed as including the making or entering into of arrangements in accordance with section 25(1A) <sup>F87</sup>...; and related expressions used in this Part shall be construed accordingly.]

#### Textual Amendments

**F78** Words in s. 44(1) substituted (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), [ss. 20](#), 22(1); [S.I. 2006/3201](#), art. 2(d)

**F79** S. 44(1) entry omitted (1.12.2006) by virtue of [National Lottery Act 2006 \(c. 23\)](#), [ss. 19\(7\)](#), 22(1); [S.I. 2006/3201](#), art. 2(d)

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- F80** Definitions in s. 44(1) inserted (2.7.1998 with application in relation to sums paid into the National Lottery Distribution Fund under s. 21(2) on or after 14.10.1997) by 1998 c. 22, s. 6(8)(9).
- F81** Words in s. 44(1) inserted (retrospectively) by National Lottery (Funding of Endowments) Act 2003 (c. 23), s. 1(8)(9)
- F82** Words in s. 44(1) substituted (4.3.1998) by 1997 c. 14, s. 3, Sch. Pt. I para. 5(a); S.I. 1998/292, art. 2
- F83** Definition in s. 44(1) inserted (2.7.1998) by 1998 c. 22, s. 12(2).
- F84** Words in s. 44(2) inserted (4.3.1998) by 1997 c. 14, s. 3, Sch. Pt. I para. 5(b); S.I. 1998/292, art. 2
- F85** S. 44(3) inserted (2.7.1998) by 1998 c. 22, s. 8(2).
- F86** S. 44(4) inserted (2.7.1998) by 1998 c. 22, s. 9(2).
- F87** Words in s. 44(4) repealed (1.12.2006) by National Lottery Act 2006 (c. 23), s. 22(1), Sch. 3; S.I. 2006/3201, art. 2(e)



**Status:**

Point in time view as at 01/12/2006.

**Changes to legislation:**

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