

EXECUTIVE NOTE

THE NATIONAL LOTTERY ETC. ACT 1993 (AMENDMENT OF SECTION 23) (CREATIVE SCOTLAND) ORDER 2010 SSI 2010/223

The above instrument was made in exercise of the powers conferred on the Scottish Ministers by section 29(1) and (4) of the National Lottery etc. Act 1993. This instrument is subject to negative resolution procedure.

Policy Objectives

This Order amends section 23 of the National Lottery etc. Act 1993, which specifies the bodies that distribute National Lottery funds.

The Order removes the Scottish Arts Council and Scottish Screen from the list of bodies in section 23 and adds to the list the successor body Creative Scotland (also known as Alba Chruthachail). The Order has effect that Creative Scotland will receive the same percentage of National Lottery funds, to be allocated to expenditure on, or connected to, the arts, as the combined allocations of the two predecessor bodies (8.9%).

These changes are a consequence of the establishment of Creative Scotland by the Public Services Reform (Scotland) Act 2010, as the new single national body for the arts and culture and creative industries, replacing the Scottish Arts Council and Scottish Screen from 1 July 2010.

Policy Background

Proceeds of the lotteries which form part of the National Lottery are paid into the National Lottery Distribution Fund (the 'NLDf') and allocated, by section 22 of the National Lottery etc. Act 1993, for expenditure relating to the national lottery good causes including the arts, which currently receives 16^{2/3}%. Section 23(1) of the Act further provides the percentage of this sum to be held in the NLDf for distribution by each of the various arts distribution bodies.

The Scottish Arts Council and Scottish Screen are two bodies out of fourteen independent bodies across the UK which distribute funding to good causes – which include sport, arts, heritage and the Olympics. In recent years the allocations to the Scottish Arts Council and Scottish Screen have together been around £20m per annum.

During the first 10 years of the National Lottery, the Scottish Arts Council distributed almost £220m of National Lottery funding. Recent examples of lottery funded arts projects include £11m towards four new arts buildings in Shetland, Greenock, Aberdeen and Edinburgh; a contemporary community art garden project in Golspie and over £97,000 towards Touchbase – Sense Scotland's fully accessible building providing a community resource for disabled people, carers, families and the local community.

Financial Effects

This instrument has no financial effect on the sum of National Lottery funds allocated for the arts in Scotland, or on the recipients of funds, as it provides for the same percentage of funds to be allocated by the new body, Creative Scotland, as was the sum of the percentages allocated by the two previous bodies, Scottish Screen and the Scottish Arts Council. Funding arrangements entered into by the Scottish Arts Council or Scottish Screen transfer to Creative Scotland by virtue of section 42(1)(b) of the Public Services Reform (Scotland) Act 2010.

Regulatory Impact Assessment

A Regulatory Impact Assessment is not required for this instrument as it has no impact on business, charities or voluntary bodies.

Equalities impact Assessment

An Equalities Impact Assessment is not required for this instrument as it has no impact on specific groups or individuals.

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