

*Status: Point in time view as at 02/07/1998.*

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## SCHEDULES

### SCHEDULE 5

Section 37.

#### THE NATIONAL LOTTERY CHARITIES BOARD

##### *Membership*

- 1 (1) The Charities Board shall consist of [<sup>F1</sup>a chairman and twenty-one other members], all of whom shall be appointed by the Secretary of State.
- (2) The Secretary of State may by order increase the number of members for the time being specified in sub-paragraph (1).

##### **Textual Amendments**

**F1** Words in [Sch. 5 para. 1\(1\)](#) substituted (26.7.1995) by [S.I. 1995/1645, art. 2](#).

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

**C1** [Sch. 5 para. 1\(1\)](#): functions amended (1.7.1999) by [S.I. 1999/672, art. 5, Sch. 2](#)

##### *Committees*

- 2 (1) The Charities Board shall establish four committees for the purpose of exercising the Board's functions in relation to applications by charities for grants in respect of appropriate activities in England, Scotland, Wales and Northern Ireland respectively.
- (2) In sub-paragraph (1)—
- “appropriate activities” means activities in relation to which the Charities Board consider it appropriate to delegate their functions to a committee established under that sub-paragraph, and
- “charities” includes institutions such as are mentioned in paragraph (b) of the definition of “charitable expenditure” in section 44(1).
- (3) Subject to sub-paragraph (1), any function of the Charities Board may be exercised by any committee of theirs authorised by them (whether generally or specially) for that purpose.

<sup>F2</sup>(4) .....

<sup>F2</sup>(5) .....

<sup>F2</sup>(6) .....

[<sup>F3</sup>(7) Subsection (7) of section 25A shall apply in relation to any committee of the Charities Board as it applies in relation to a committee appointed under subsection (6) of that section.]

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**Textual Amendments**

- F2** Sch. 5 para. 2(4)-(6) repealed (2.7.1998) by 1998 c. 22, ss. 11(5), 26, Sch. 5 Pt. II.  
**F3** Sch. 5 para. 2(7) inserted (2.7.1998) by 1998 c. 22, ss. 11(5), 27(4).

*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 Charities Board <sup>F4</sup> . . . 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 Charities Board <sup>F4</sup> . . . for a term of more than five years.
- (3) A chairman or member of the Charities Board <sup>F4</sup> . . . may at any time resign his office by notice in writing addressed to the Secretary of State.
- (4) A member of the Charities Board <sup>F4</sup> . . . 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 Board without the Board's consent [<sup>F5</sup>or from meetings of a committee of the Board without the committee'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 Charities Board <sup>F4</sup> . . . ceases to be a member of the Board 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 Charities Board <sup>F4</sup> . . . shall be eligible for re-appointment.

**Textual Amendments**

- F4** Words in Sch. 5 para. 3(1)-(6) repealed (2.7.1998) by 1998 c. 22, s. 26, Sch. 5 Pt. II.  
**F5** Words in Sch. 5 para. 3(4)(a) substituted (2.7.1998) by 1998 c. 22, s. 11(6).

*Remuneration and allowances*

- 4 (1) The Charities Board may pay—
- (a) such remuneration to their chairman and the chairman of any committee of theirs, and
  - (b) such travelling and other allowances to their chairman and any other member of the Board or any committee of theirs,
- as the Secretary of State may determine.

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- (2) Where the Secretary of State so determines in the case of a holder of the office of chairman of the Charities Board or chairman of a committee of the Charities Board, the Charities Board 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.
- (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 Charities Board or of a committee of the Charities Board to receive compensation, the Charities Board may pay to him such compensation as the Secretary of State may determine.
- (4) A determination under this paragraph shall not have effect unless it has been approved by the Treasury.

#### *Staff*

- 5 (1) The Charities Board may appoint such staff as they may determine with the Secretary of State's approval as to numbers and terms and conditions of service.
- (2) The Charities Board may with the Secretary of State's approval—
  - (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 Charities Board's staff who suffer loss of office or employment.
- (4) The Secretary of State shall not give an approval under this paragraph without the Treasury's consent.

#### *Proceedings*

- 6 (1) Subject to the provisions of this Schedule, the Charities Board may regulate their own procedure and that of any of their committees (and in particular may specify a quorum for meetings).
- (2) The quorum for meetings of any committee of the Charities Board shall not be less than three.
- <sup>F6</sup>(3) .....
- (4) The validity of any proceedings of the Charities Board 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.

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### Textual Amendments

**F6** Sch. 5 para. 6(3) repealed (2.7.1998) by 1998 c. 22, s. 26, Sch. 5 Pt. II.

### *Application of seal and evidence*

- 7 The application of the seal of the Charities Board shall be authenticated by the signature—
- (a) of any member of the Charities Board, or
  - (b) of any other person who has been authorised by the Charities Board (whether generally or specially) for that purpose.
- 8 A document purporting to be duly executed under the seal of the Charities Board 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.

### *Finance*

- 9 Until such time as the Secretary of State considers that the sums paid to the Charities Board under section 24 are sufficient to enable them to meet under section 25(3) the expenses incurred by them in exercising their functions under this Act, he shall pay to the Charities Board such sums as are necessary to defray those expenses.

### *Status of the Board*

- 10 The Charities Board 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*

- 11 (1) In the <sup>M1</sup>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 Lottery Charities Board and any chairman of a committee of that Board.”
- (2) The same entry shall be inserted at the appropriate place in Part III of Schedule 1 to the <sup>M2</sup>Northern Ireland Assembly Disqualification Act 1975.

### Marginal Citations

**M1** 1975 c. 24.  
**M2** 1975 c. 25.

### *Exemption from register of charities*

- 12 In Schedule 2 to the <sup>M3</sup>Charities Act 1993 (which lists the institutions that so far as they are charities are exempt charities within the meaning of that Act) there shall be added at the end—  
 “(zb) the National Lottery Charities Board.”

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**M3** 1993 c. 10.

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