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## SCHEDULES

### SCHEDULE 1

Section 2.

#### LEGALITY ETC. OF LOTTERIES FORMING PART OF THE NATIONAL LOTTERY

##### *The Gaming Act 1968 (c. 65)*

F1<sub>1</sub> .....

##### Textual Amendments

**F1** Sch. 1 para. 1 repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), [Sch. 17](#) (with ss. 352, 354); [S.I. 2006/3272](#), art. 2(4)(5), [Sch. 3B](#) (with arts. 7-12, [Sch. 4](#)) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, [Sch.](#))

##### *The Lotteries and Amusements Act 1976 (c. 32)*

F2<sub>2</sub> .....

##### Textual Amendments

**F2** Sch. 1 para. 2 repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), [Sch. 17](#) (with ss. 352, 354); [S.I. 2006/3272](#), art. 2(4)(5), [Sch. 3B](#) (with arts. 7-12, [Sch. 4](#)) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, [Sch.](#))

##### *The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (S.I. 1985/1204 (N.I. 11))*

3 (1) In Article 2(3) of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (circumstances in which a lottery does not constitute gaming) after “Article 133, 134 or 135” there shall be inserted “ or a lottery forming part of the National Lottery for the purposes of Part I of the National Lottery etc. Act 1993 ”.

(2) In Article 131 of that Order (illegality of lotteries) after “Schedule 20” there shall be inserted “ and to section 2(1) of the National Lottery etc. Act 1993 ”.

(3) In Article 132 of that Order (general lottery offences) at the end of paragraph (2) (defences) there shall be added—

“; or

(d) that the lottery to which the proceedings relate was a lottery forming part of the National Lottery for the purposes of Part I of the National Lottery etc. Act 1993 or that at the date of the alleged offence the person charged believed, and had reasonable ground for believing, it to be such a lottery.”

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## <sup>F3</sup>SCHEDULE 2

### Textual Amendments

**F3** Sch. 2 repealed (1.4.1999) by 1998 c. 22, ss. 1(2), 26, **Sch. 5 Pt. I**; S.I. 1999/650, art. 2(c)

## <sup>F4</sup>SCHEDULE 2A

Section 3A.

### THE NATIONAL LOTTERY COMMISSION

### Textual Amendments

**F4** Sch 2A inserted (1.4.1999) by 1998 c. 22, ss. 1(5), Sch. 1 Pt. II para. 7; S.I. 1999/650, art. 2(b)

### Modifications etc. (not altering text)

**C2** Sch. 2A modified (23.9.2006) by **The National Lottery Act 2006 (Commencement No. 2 and Transitional Provisions) Order 2006 (S.I. 2006/2630), art. 3**

### *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 <sup>F5</sup>(1) The Commission shall consist of at least five members, 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

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such information as the Secretary of State considers necessary for the performance by him of his duties under sub-paragraphs (2) and (3).

#### Textual Amendments

**F5** Sch. 2A para. 2(1) substituted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 1(2)**, 22(1); S.I. 2006/2630, **art. 2(a)** (with **art. 3**)

#### *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*

- [<sup>F6</sup> (1) The Secretary of State shall appoint a member of the Commission as chairman.
- (2) A member of the Commission who is also an employee of the Commission may not be appointed as chairman.
- (3) The chairman shall hold and vacate office in accordance with the terms of his appointment; but—
- (a) sub-paragraphs (2) to (5) of paragraph 3 shall apply to the office of chairman as they apply to the office of member, and
  - (b) if the chairman ceases to be a member he shall cease to be chairman.]

#### Textual Amendments

**F6** Sch. 2A para. 4 substituted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 1(3)**, 22(1); S.I. 2006/2630, **art. 2(a)** (with **art. 3**)

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### *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.
- (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 <sup>M5</sup>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.

#### **Marginal Citations**

**M5** 1972 c. 11.

- [<sup>F76A</sup> (1) The Secretary of State may appoint the Chief Executive of the Commission as a member.

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- (2) Where the Chief Executive is appointed as a member—
  - (a) paragraph 5 shall not apply to him, and
  - (b) if he ceases to be Chief Executive he ceases to be a member.
- (3) Where the Chief Executive is appointed as a member the Secretary of State may, on the recommendation of the Commission, appoint another employee of the Commission as a member; and—
  - (a) paragraph 5 shall not apply to a person appointed by virtue of this sub-paragraph,
  - (b) the Secretary of State may suspend or terminate an appointment made by virtue of this sub-paragraph if the Chief Executive ceases to be a member, and
  - (c) if a person appointed by virtue of this sub-paragraph ceases to be an employee of the Commission he shall cease to be a member.]

#### Textual Amendments

- F7** Sch. 2A para. 6A inserted (1.10.2006) by [National Lottery Act 2006 \(c. 23\)](#), **ss. 1(4), 22(1)**; [S.I. 2006/2630, art. 2\(a\)](#) (with [art. 3](#))

#### *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.

#### *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.

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- (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

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- (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.]

### SCHEDULE 3

Section 10.

## REVOCATION OF LICENCES

### PART I

#### DISCRETIONARY GROUNDS FOR REVOCATION

- 1 A condition in the licence has been contravened.
- 2 Any information given by the licensee to the Director General—
- (a) in or in connection with the application for the licence,
  - (b) in pursuance of a condition in the licence, or
  - (c) in making representations under section 8(2) or Part II of this Schedule, was false in a material particular.
- 3 (1) A proposal for a voluntary arrangement under Part I of the <sup>M6</sup>Insolvency Act 1986 or Part II of the <sup>M7</sup>Insolvency (Northern Ireland) Order 1989 has been made in relation to the licensee.
- (2) A petition <sup>F8</sup>... for the winding up of the licensee has been presented to the court.
  - (3) A resolution for the voluntary winding up of the licensee has been passed.
  - (4) A receiver or manager of the whole or any part of the licensee's property has been appointed.
- [<sup>F9</sup>(5) An administration application has been made or a notice of intention to appoint an administrator or a notice of an appointment of an administrator under paragraph 14 or 22 of Schedule B1 to the Insolvency Act 1986 (c. 45) has been filed.]

#### Textual Amendments

- F8** Words in Sch. 3 para. 3(2) omitted (15.9.2003) by virtue of [The Enterprise Act 2002 \(Insolvency\) Order 2003 \(S.I. 2003/2096\)](#), art. 1(1), [Sch. para. 21\(a\)](#) (with art. 6)
- F9** Sch. 3 para. 3(5) inserted (15.9.2003) by [The Enterprise Act 2002 \(Insolvency\) Order 2003 \(S.I. 2003/2096\)](#), art. 1(1), [Sch. para. 21\(b\)](#) (with art. 6)

#### Marginal Citations

- M6** 1986 c. 45.
- M7** S.I. 1989/2405 (N.I. 19).

- 4 In the case of a licence granted under section 5—

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- (a) the licensee is not providing or proposing to provide facilities that are necessary or desirable for running the National Lottery;
- (b) any person who is managing the business or any part of the business of running the National Lottery under the licence is not a fit and proper person to do so;
- (c) any person for whose benefit that business is carried on is not a fit and proper person to benefit from it.
- 5 In the case of a licence granted under section 6—
- (a) the licensee is not taking or proposing to take steps that are necessary or desirable for preventing the commission of fraud by participants in any lottery promoted under the licence;
- (b) a person who is managing the business or any part of the business of promoting lotteries under the licence is not a fit and proper person to do so;
- (c) a person for whose benefit that business is carried on is not a fit and proper person to benefit from it.

## PART II

### PROCEDURE AND APPEALS

#### *Notice of proposed revocation*

- 6 (1) Where the Director General proposes to revoke a licence, he shall serve a notice on the licensee stating—
- (a) that he proposes to revoke the licence,
- (b) the ground or grounds for revocation,
- (c) that the licensee may within the period of twenty-one days beginning with the date of the notice either make written representations about the matter to him or notify him in writing of the licensee's intention to make oral representations, <sup>F10</sup> . . .
- <sup>F11</sup>[(cc) that the right of appeal conferred by paragraph 11 is dependent on the licensee having made such written or oral representations, and]
- (d) the effect of sub-paragraph (2).
- (2) If, within the period mentioned in sub-paragraph (1)(c), the Director General receives neither written representations nor written notification of the licensee's intention to make oral representations, the revocation shall take effect at the end of that period.

#### **Textual Amendments**

**F10** Word in Sch. 3 Pt. II para. 6(1)(c) repealed (2.9.1998) by 1998 c. 22, ss. 4(2), 26, 27(5), Sch. 5 Pt. II.

**F11** Sch. 3 Pt. II para. 6(1)(cc) inserted (2.9.1998) by 1998 c. 22, ss. 4(2), 27(5).

#### *Suspension of licence*

- 7 (1) The Director General may suspend a licence as from the date of any notice served in respect of it under paragraph 6 if—
- (a) he reasonably believes that the ground or any of the grounds specified in the notice involves fraud by the licensee, or



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- (b) the ground or one of the grounds specified in the notice is the ground set out in paragraph 5(a).
- (2) Where a licence is suspended under this paragraph—
  - (a) the suspension shall last until the revocation takes effect or the Director General decides not to revoke the licence [<sup>F12</sup>or an appeal against the revocation is allowed], and
  - (b) the notice shall inform the licensee accordingly.

**Textual Amendments**

**F12** Words in Sch. 3 Pt. II para. 7(2)(a) substituted (2.9.1998) by 1998 c. 22, ss. 4(3), 27(5).

*Decision by the Director General*

- 8 (1) The Secretary of State may make regulations as to the procedure to be followed where a licensee's intention to make oral representations is notified to the Director General as mentioned in paragraph 6(1)(c).
- (2) The regulations may in particular make provision—
  - (a) for the revocation of the licence to take effect if the licensee fails to comply with any requirements imposed by or under the regulations, and
  - (b) as to the hearing by the Director General of oral representations.
- 9 (1) If any written representations against the revocation of a licence are made as mentioned in paragraph 6(1)(c) or any oral representations against the revocation of a licence are made in accordance with regulations under paragraph 8, the Director General shall after taking the representations into account—
  - (a) decide whether or not to revoke the licence, and
  - (b) serve a further notice on the licensee informing the licensee of his decision and (if the case so requires) of the effect of sub-paragraph (2).
- (2) Where the decision is to revoke the licence, the revocation shall not take effect—
  - (a) until the end of such period as may be specified in the further notice, or
  - <sup>F13</sup>(b) if the licensee appeals within that period against the revocation and the court makes an order under paragraph 11(2), until such time as is specified in the order,  
whichever is the later.]
- (3) The period specified in the further notice shall be a period of at least twenty-eight days beginning with the date of that notice.

**Textual Amendments**

**F13** Sch. 3 Pt. II para. 9(2)(b) substituted (2.9.1998) by 1998 c. 22, ss. 4(4), 27(5).

*Appeals to the Secretary of State*

<sup>F14</sup>10 .....

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#### Textual Amendments

**F14** Sch. 3 Pt. II para. 10 repealed (2.9.1998) by 1998 c. 22, ss. 4(5), 26, 27(5), Sch. 5 Pt. II.

#### [<sup>F15</sup> Appeals]

#### Textual Amendments

**F15** Crossheading and para. 11 in Sch. 3 inserted (2.9.1998) by 1998 c. 22, ss. 4(6), 27(5)

- <sup>F16</sup>[11 (1) Where the Director General decides under paragraph 9 to revoke a licence, the licensee may appeal against the decision on the grounds—
- (a) that the Director General made an error as to the facts,
  - (b) that there was a material procedural error, or
  - (c) that the Director General made some other error of law.
- (2) Where a licensee appeals under this paragraph, the powers of the court pending the withdrawal or final disposal of the appeal shall include power, on the application of the licensee or the Director General, to make an order, if the court considers it just and equitable to do so in all the circumstances of the case, preventing the revocation taking effect until such time as may be specified in the order.
- (3) An appeal under this paragraph lies to the High Court or, in Scotland, to the Court of Session.
- (4) Any appeal under this paragraph to the Court of Session shall be heard in the Outer House.]

#### Textual Amendments

**F16** Sch. 3Pt. II para. 11 inserted (2.9.1998) by 1998 c. 22, ss. 4(6), 27(5)

#### <sup>F17</sup>[SCHEDULE 3A

Section 25B.

#### JOINT SCHEMES: SUPPLEMENTARY PROVISIONS

#### Textual Amendments

**F17** Sch. 3A inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

#### <sup>F18</sup>Interpretation

#### Textual Amendments

**F18** Crossheading inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

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<sup>F19</sup><sub>1</sub> In this Schedule “year” means any period of twelve months.

**Textual Amendments**

**F19** Sch. 3A para. 1 inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

<sup>F20</sup> *Authorisation or approval by Secretary of State*

**Textual Amendments**

**F20** Crossheading inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

- <sup>F21</sup><sub>2</sub> (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.
- [ The Secretary of State’s functions under sub-paragraphs (1) and (2) shall, in relation <sup>F22</sup>(6) to any particular joint scheme applying—
- (a) only in Scotland; or
  - (b) in one or more parts of the United Kingdom, including Scotland,
- be treated as exercisable in or as regards Scotland and may be exercised separately.]

**Textual Amendments**

**F21** Sch. 3A para. 2 inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

**F22** Sch. 3A para. 2(6) added (30.6.1999) by S.I. 1999/1756, arts. 1(1), 2, **Sch. para. 15(12)** (with art. 8); S.I. 1998/3178, **art. 3**

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

**C3** Sch. 3A para. 2(1) (as read with Sch. 3A para. 2(6)(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**

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- Sch. 3A para. 2(1) (as read with Sch. 3A para. 2(6)(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**
- Sch. 3A para. 2(1): transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**
- Sch. 3A para. 2(1): functions amended (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**
- C4** Sch. 3A para. 2(2) (as read with Sch. 3A para. 2(6)(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**
- Sch. 3A para. 2(2) (as read with Sch. 3A para. 2(6)(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**
- Sch. 3A para. 2(2): transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**
- Sch. 3A para. 2(2): functions amended (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**

### *F<sup>23</sup> Contents of authorisations and approvals*

#### **Textual Amendments**

**F23** Crossheading inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

- F<sup>24</sup>3** An order under paragraph 2(1) or an approval under paragraph 2(2) shall—
- (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.

#### **Textual Amendments**

**F24** Sch. 3A para. 3 inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

### *F<sup>25</sup> Effect of increasing annual limit on schemes authorised by order*

#### **Textual Amendments**

**F25** Crossheading inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

- F<sup>26</sup>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

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under the scheme continued to exceed the amount for the time being specified in paragraph 2(1).

**Textual Amendments**

**F26** Sch. 3A para. 4 inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

*F27 Powers*

**Textual Amendments**

**F27** Crossheading inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

- F28** 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.

**Textual Amendments**

**F28** Sch. 3A para. 5 inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

*F29 Modification*

**Textual Amendments**

**F29** Crossheading inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

- F30** 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.
- (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.

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#### Textual Amendments

**F30** Sch. 3A para. 6 inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

#### <sup>F31</sup>Termination

#### Textual Amendments

**F31** Crosshading inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

- <sup>F32</sup>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.

#### Textual Amendments

**F32** Sch. 3A para. 7 inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

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

- C5** Sch. 3A para. 7(1): transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**  
Sch. 3A para. 7(1): functions amended (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**
- C6** Sch. 3A para. 7(2): transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**  
Sch. 3A para. 7(2): functions amended (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**

#### <sup>F33</sup>Orders under s.29(1): participant ceasing to be distributing body

#### Textual Amendments

**F33** Crossheading inserted (2.7.1998) by 1998 c. 22, s. 12(3), **Sch. 3**.

- <sup>F34</sup>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—

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- (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.

**Textual Amendments**

**F34** Sch. 3A para. 8 inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

<sup>F35</sup> *Authorisation to continue payments despite occurrence of certain events*

**Textual Amendments**

**F35** Crossheading inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

- <sup>F36</sup>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.
- (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.

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- (6) This paragraph is without prejudice to section 60(5) or paragraph 8.
- (7) Any authorisation under this paragraph must be in writing.]

**Textual Amendments**  
**F36** Sch. 3A para. 9 inserted (2.7.1998) by 1998 c. 22, s. 12(3), Sch. 3.

SCHEDULE 4

Section 36.

AMENDMENT OF THE NATIONAL HERITAGE ACT 1980 (C.17)

- 1 In section 1(2) (constitution of the Trustees of the National Heritage Memorial Fund) for “ten” there shall be substituted “ fourteen ”.
- 2 In section 2 (payments into the National Heritage Memorial Fund) after subsection (1) there shall be inserted—  
 “(1A) The Trustees shall pay into the Fund any sums paid to them under section 24 of the National Lottery etc. Act 1993.”

<sup>F37</sup>3 .....

**Textual Amendments**  
**F37** Sch. 4 para. 3 repealed (4.3.1998) by 1997 c. 14, s. 3, Sch. Pt. I para. 6; S.I. 1998/292, art. 2.

<sup>F38</sup>4 .....

**Textual Amendments**  
**F38** Sch. 4 para. 4 repealed (4.3.1998) by 1997 c. 14, s. 3, Sch. Pt. I para. 6; S.I. 1998/292, art. 2.

- 5 In section 6(2) (investment of sums paid into the National Heritage Memorial Fund under section 2(1)) after “section 2(1)” there shall be inserted “ or (1A) ”.
- 6 In section 17 (expenses and receipts) after “and” there shall be inserted “ subject to section 3(6A) above ”.
- 7 In paragraph 5(1) of Schedule 1 (expenses of Trustees to be defrayed out of the National Heritage Memorial Fund) for “under this Act shall” there shall be substituted “ may ”.



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## [<sup>F39</sup>SCHEDULE 4A

### THE BIG LOTTERY FUND

#### Textual Amendments

**F39** Sch. 4A inserted (1.8.2006) by National Lottery Act 2006 (c. 23), s. 22(1), Sch. 2; S.I. 2006/2177, art. 2

#### PART 1

##### CONSTITUTION

###### *Membership*

- 1 (1) The Big Lottery Fund shall consist of 12 members appointed by the Secretary of State.
- (2) The Secretary of State shall appoint one of the members as Chairman.
- (3) The Secretary of State shall ensure that at any time—
- (a) one of the members is appointed to represent the interests of England,
  - (b) one of the members is appointed to represent the interests of Wales,
  - (c) one of the members is appointed to represent the interests of Scotland, and
  - (d) one of the members is appointed to represent the interests of Northern Ireland.
- (4) In complying with paragraphs (a) to (d) of sub-paragraph (3) the Secretary of State—
- (a) may not appoint a member for the purpose of satisfying more than one of those paragraphs,
  - (b) may appoint the Chairman for the purpose of satisfying one of those paragraphs,
  - (c) shall obtain the agreement of the National Assembly for Wales before appointing a person to satisfy paragraph (b),
  - (d) shall obtain the agreement of the Scottish Ministers before appointing a person to satisfy paragraph (c), and
  - (e) shall obtain the agreement of the Northern Ireland Department of Culture, Arts and Leisure before appointing a person to satisfy paragraph (d).
- (5) The Secretary of State may by order vary the number specified in sub-paragraph (1).
- (6) Before making an order under sub-paragraph (5) the Secretary of State shall consult—
- (a) the National Assembly for Wales,
  - (b) the Scottish Ministers, and
  - (c) the Northern Ireland Department of Culture, Arts and Leisure.

###### *Tenure*

- 2 A person shall hold and vacate office as Chairman or other member of the Fund in accordance with the terms of his appointment (subject to this Schedule).

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- 3 The Chairman or another member may resign his office by notice in writing to the Secretary of State.
- 4 (1) The Chairman or another member may be removed from office by the Secretary of State on the grounds that—
- (a) a bankruptcy order has been made against him, his estate has been sequestrated or he has made a composition or arrangement with, or granted a trust deed for, his creditors, or
  - (b) he is, in the opinion of the Secretary of State, unable, unfit or unwilling to discharge the functions of his office.
- (2) Before exercising the power under sub-paragraph (1) in respect of a person appointed for the purpose of satisfying paragraph 1(3)(b), (c) or (d) the Secretary of State shall consult—
- (a) the National Assembly for Wales, in the case of a person appointed for the purpose of satisfying paragraph 1(3)(b),
  - (b) the Scottish Ministers, in the case of a person appointed for the purpose of satisfying paragraph 1(3)(c), and
  - (c) the Northern Ireland Department of Culture, Arts and Leisure, in the case of a person appointed for the purpose of satisfying paragraph 1(3)(d).
- 5 A person who ceases, otherwise than by virtue of paragraph 4, to be Chairman or another member may be re-appointed.

#### *Staff*

- 6 The Fund may appoint staff (subject to any directions under section 36E(3)(b)).

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

- C7 Sch. 4A para. 6 restricted (12.3.2009) by [Dormant Bank and Building Society Accounts Act 2008 \(c. 31\)](#), [ss. 22\(8\), 31\(1\)](#); S.I. 2009/490, art. 2

#### *Committees*

- 7 (1) The Fund shall establish—
- (a) a committee, chaired by the member appointed under paragraph 1(3)(a), for the purpose of exercising the Fund's functions in relation to English devolved expenditure,
  - (b) a committee, chaired by the member appointed under paragraph 1(3)(b), for the purpose of exercising the Fund's functions in relation to Welsh devolved expenditure,
  - (c) a committee, chaired by the member appointed under paragraph 1(3)(c), for the purpose of exercising the Fund's functions in relation to Scottish devolved expenditure, and
  - (d) a committee, chaired by the member appointed under paragraph 1(3)(d), for the purpose of exercising the Fund's functions in relation to Northern Ireland devolved expenditure.
- (2) Before appointing the members of a committee established under sub-paragraph (1) the Fund shall obtain the consent of—
- (a) in the case of the committee concerned with England, the Secretary of State;

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- (b) in the case of the committee concerned with Wales, the National Assembly for Wales;
  - (c) in the case of the committee concerned with Scotland, the Scottish Ministers;
  - (d) in the case of the committee concerned with Northern Ireland, the Northern Ireland Department of Culture, Arts and Leisure.
- (3) A committee established under sub-paragraph (1) shall carry on its activities under such name as the committee may determine with the consent of the Secretary of State and—
- (a) in the case of the committee concerned with Wales, with the consent of the National Assembly for Wales;
  - (b) in the case of the committee concerned with Scotland, with the consent of the Scottish Ministers;
  - (c) in the case of the committee concerned with Northern Ireland, with the consent of the Northern Ireland Department of Culture, Arts and Leisure.

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

- C8** Sch. 4A para. 7(1)(a) functions extended (12.3.2009) by [Dormant Bank and Building Society Accounts Act 2008 \(c. 31\), s. 31\(1\), Sch. 3 para. 8\(1\)](#); S.I. 2009/490, art. 2
- C9** Sch. 4A para. 7(1)(b) functions extended (12.3.2009) by [Dormant Bank and Building Society Accounts Act 2008 \(c. 31\), s. 31\(1\), Sch. 3 para. 8\(2\)](#); S.I. 2009/490, art. 2
- C10** Sch. 4A para. 7(1)(c) functions extended (12.3.2009) by [Dormant Bank and Building Society Accounts Act 2008 \(c. 31\), s. 31\(1\), Sch. 3 para. 8\(3\)](#); S.I. 2009/490, art. 2
- C11** Sch. 4A para. 7(1)(d) functions extended (12.3.2009) by [Dormant Bank and Building Society Accounts Act 2008 \(c. 31\), s. 31\(1\), Sch. 3 para. 8\(4\)](#); S.I. 2009/490, art. 2

- 8 Nothing in paragraph 7 or section 25A(6) shall prevent the Fund from—
- (a) establishing a committee otherwise than in accordance with that paragraph or section, or
  - (b) authorising a committee (whether or not established in accordance with that paragraph or section) to exercise a function of the Fund.
- 9 Section 25A(7) shall apply in relation to any committee of the Fund as it applies in relation to a committee established under section 25A(6).

*Status*

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

*Supervision*

- 11 In Schedule 2 to the Parliamentary Commissioner Act 1967 (c. 13) (departments, &c. subject to investigation) insert at the appropriate place— “ The Big Lottery Fund. ”

*Disqualification*

- 12 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (other disqualifying offices) insert at the appropriate place— “ Chairman, or member in receipt of remuneration, of the Big Lottery Fund. ”

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- 13 In Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (other disqualifying offices) insert at the appropriate place— “ Chairman, or member in receipt of remuneration, of the Big Lottery Fund. ”

## PART 2

### PROCEEDINGS

#### *Self-regulation*

- 14 The Fund may, subject to this Schedule, regulate its procedure and the procedure of its committees (and may, in particular, make provision for a quorum).

#### *Records*

- 15 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— “ The Big Lottery Fund. ”

#### *Saving*

- 16 The validity of proceedings of the Fund or a committee shall not be affected by—
- (a) a vacancy among its members, or
  - (b) a defect in the appointment of a person as Chairman or member.

## PART 3

### MONEY

#### *Remuneration, &c.*

- 17 (1) The Fund may pay to the Chairman, another member or a member of a committee—
- (a) such remuneration as the Secretary of State may determine, and
  - (b) such travelling and other allowances as the Secretary of State may determine.
- (2) The Fund may pay to or in respect of the Chairman or another member such sums as the Secretary of State may determine by way of, or in respect of, pensions, allowances or gratuities.
- (3) If the Secretary of State thinks that there are special circumstances that make it right for a person ceasing to hold office as Chairman or member to receive compensation, the Fund may pay him such compensation as the Secretary of State may determine.
- 18 (1) The Fund may (subject to any directions under section 36E(3)(b)) pay sums to or in respect of a member or former member of staff by way of or in respect of—
- (a) remuneration,
  - (b) allowances,
  - (c) pensions,
  - (d) gratuities, or
  - (e) compensation for loss of employment.

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- (2) In Schedule 1 to the Superannuation Act 1972 (c. 11) (employment to which superannuation schemes may extend) in the list of other bodies insert at the appropriate place— “ The Big Lottery Fund. ”

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

- C12** Sch. 4A para. 18 restricted (12.3.2009) by [Dormant Bank and Building Society Accounts Act 2008](#) (c. 31), **ss. 22(8), 31(1)**; S.I. 2009/490, art. 2

*Payments*

- 19 The Fund may make payments in respect of expenditure (which may include expenditure of a capital nature) of—
- (a) the Fund, or
  - (b) a person to whom it delegates a function under section 25A(1).

*Investment*

- 20 (1) The Fund may deposit money in an interest-bearing account (but may not otherwise invest).
- (2) The proceeds of money received by the Fund and invested under sub-paragraph (1) shall be treated for the purposes of Part II of this Act as part of that money.

*Accounts*

- 21 (1) The Fund shall—
- (a) keep proper accounting records [<sup>F40</sup>relating to the exercise of its functions under this Act] , and
  - [<sup>F41</sup>(b) prepare in respect of each financial year a statement of accounts relating to the exercise of those functions.]
- (2) The Fund shall send a copy of a statement under sub-paragraph (1)(b)—
- (a) to the Secretary of State,
  - (b) to the National Assembly for Wales,
  - (c) to the Scottish Ministers,
  - (d) to the Northern Ireland Department of Culture, Arts and Leisure, and
  - (e) to the Comptroller and Auditor General.
- (3) A copy of a statement must be sent under sub-paragraph (2) within such period, beginning with the end of the financial year to which the statement relates, as the Secretary of State may, with the consent of the Treasury, direct.
- (4) The Comptroller and Auditor General shall—
- (a) examine, certify and report on a statement received under this paragraph, and
  - (b) lay a copy of the statement and his report before Parliament.]

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**Textual Amendments**

- F40** Words in Sch. 4A para. 21(1)(a) inserted (12.3.2009) by [Dormant Bank and Building Society Accounts Act 2008 \(c. 31\), s. 31\(1\)](#), [Sch. 3 para. 11\(a\)](#); S.I. 2009/490, art. 2
- F41** Sch. 4A para. 21(1)(b) substituted (12.3.2009) by [Dormant Bank and Building Society Accounts Act 2008 \(c. 31\), s. 31\(1\)](#), [Sch. 3 para. 11\(b\)](#); S.I. 2009/490, art. 2

<sup>F42</sup>SCHEDULE 5

Section 37.

**Textual Amendments**

- F42** [Sch. 5](#) repealed (1.12.2006) by [National Lottery Act 2006 \(c. 23\), ss. 19\(9\)\(a\), 22\(1\)](#), [Sch. 3](#); S.I. 2006/3201, art. 2(d)(e)

<sup>F43</sup>SCHEDULE 6

Section 40.

**Textual Amendments**

- F43** [Sch. 6](#) repealed (1.12.2006) by [National Lottery Act 2006 \(c. 23\), ss. 19\(9\)\(b\), 22\(1\)](#), [Sch. 3](#); S.I. 2006/3201, art. 2(d)(e)

<sup>F44</sup> SCHEDULE 6A

Section 43A.

**Textual Amendments**

- F44** [Sch. 6A](#) repealed (1.12.2006) by [National Lottery Act 2006 \(c. 23\), ss. 19\(9\)\(c\), 22\(1\)](#), [Sch. 3](#); S.I. 2006/3201, art. 2(d)(e)

<sup>F45</sup>SCHEDULE 7

Section 48.

**Status:** Point in time view as at 06/01/2010.

**Changes to legislation:** National Lottery etc. Act 1993 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

### Textual Amendments

**F45** Schs. 7-9 repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), [Sch. 17](#) (with ss. 352, 354); [S.I. 2006/3272](#), art. 2(4)(5), [Sch. 3B](#) (with arts. 7-12, [Sch. 4](#)) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, [Sch.](#))

## F45 SCHEDULE 8

Section 49.

## F45 SCHEDULE 9

Section 50.

### SCHEDULE TO BE INSERTED IN THE 1976 ACT AFTER SCHEDULE 2

#### “SCHEDULE 2A

## SCHEDULE 10

Section 64.

### REPEALS

### Commencement Information

**II** Sch. 10 wholly in force at 3.5.1994; Sch. 10 not in force at Royal Assent see s. 65; provisions in Sch. 10 relating to the Revenue Act 1898 and the National Heritage Act 1980 in force at 21.12.1993 by [S.I. 1993/2632](#), [art. 3](#); Sch. 10 in force at 3.5.1994 in so far as not already in force by [S.I. 1994/1055](#), [art. 2](#).

Chapter	Short title	Extent of repeal
61 & 62 Vict. c. 46.	The Revenue Act 1898.	Section 1 so far as it applies in the British Islands outside the United Kingdom and section 6(2).
1976 c. 32.	The Lotteries and Amusements Act 1976.	In section 5(3), paragraph (d) and the word “and” immediately preceding it. Section 9. In section 13(4), the words “or of section 11(6) or (8) above”. In section 18(1), at the end of paragraph (e) the word “and”.

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		In Schedule 1, paragraph 1(1).
		In Schedule 2, paragraphs 2 and 3(1)(a) and (c)(iii).
1980 c. 17.	The National Heritage Act 1980.	In section 3(6)(d), the words from “acting” to “1979”.

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**Status:**

Point in time view as at 06/01/2010.

**Changes to legislation:**

National Lottery etc. Act 1993 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.