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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**F1** Sch. 1 para. 1 repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), [Sch. 17](#) (with ss. 352, 354); [S.I. 2006/3272](#), art. 2(4)(5), [Sch. 3B](#) (with arts. 7-12,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**F2** Sch. 1 para. 2 repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), [Sch. 17](#) (with ss. 352, 354); [S.I. 2006/3272](#), art. 2(4)(5), [Sch. 3B](#) (with arts. 7-12,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**F3** Sch. 2 repealed (1.4.1999) by 1998 c. 22, ss. 1(2), 26, **Sch. 5 Pt.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 <sup>F5</sup>GAMBLING] 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)

**F5** Word in Sch. 2A heading substituted (1.10.2013) by **The Public Bodies (Merger of the Gambling Commission and the National Lottery Commission) Order 2013** (S.I. 2013/2329), art. 1(2), **Sch. para. 10(a)** (with art. 8, Sch. para. 43)

**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*

<sup>F61</sup> .....

**Textual Amendments**

**F6** Sch. 2A paras. 1-8 omitted (1.10.2013) by virtue of **The Public Bodies (Merger of the Gambling Commission and the National Lottery Commission) Order 2013** (S.I. 2013/2329), art. 1(2), **Sch. para. 10(b)** (with art. 8, Sch. para. 43)

*Membership*

<sup>F62</sup> .....

**Textual Amendments**

**F6** Sch. 2A paras. 1-8 omitted (1.10.2013) by virtue of **The Public Bodies (Merger of the Gambling Commission and the National Lottery Commission) Order 2013** (S.I. 2013/2329), art. 1(2), **Sch. para. 10(b)** (with art. 8, Sch. para. 43)

*Tenure of office*

<sup>F63</sup> .....

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**Textual Amendments**

**F6** Sch. 2A paras. 1-8 omitted (1.10.2013) by virtue of [The Public Bodies \(Merger of the Gambling Commission and the National Lottery Commission\) Order 2013 \(S.I. 2013/2329\)](#), art. 1(2), **Sch. para. 10(b)** (with art. 8, Sch. para. 43)

*Chairman*

**F64** .....

**Textual Amendments**

**F6** Sch. 2A paras. 1-8 omitted (1.10.2013) by virtue of [The Public Bodies \(Merger of the Gambling Commission and the National Lottery Commission\) Order 2013 \(S.I. 2013/2329\)](#), art. 1(2), **Sch. para. 10(b)** (with art. 8, Sch. para. 43)

*Remuneration and allowances*

**F65** .....

**Textual Amendments**

**F6** Sch. 2A paras. 1-8 omitted (1.10.2013) by virtue of [The Public Bodies \(Merger of the Gambling Commission and the National Lottery Commission\) Order 2013 \(S.I. 2013/2329\)](#), art. 1(2), **Sch. para. 10(b)** (with art. 8, Sch. para. 43)

*Staff*

**F66** .....

**Textual Amendments**

**F6** Sch. 2A paras. 1-8 omitted (1.10.2013) by virtue of [The Public Bodies \(Merger of the Gambling Commission and the National Lottery Commission\) Order 2013 \(S.I. 2013/2329\)](#), art. 1(2), **Sch. para. 10(b)** (with art. 8, Sch. para. 43)

**F66A** .....

**Textual Amendments**

**F6** Sch. 2A paras. 1-8 omitted (1.10.2013) by virtue of [The Public Bodies \(Merger of the Gambling Commission and the National Lottery Commission\) Order 2013 \(S.I. 2013/2329\)](#), art. 1(2), **Sch. para. 10(b)** (with art. 8, Sch. para. 43)

*Proceedings*

**F67** .....

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**Textual Amendments**

**F6** Sch. 2A paras. 1-8 omitted (1.10.2013) by virtue of [The Public Bodies \(Merger of the Gambling Commission and the National Lottery Commission\) Order 2013 \(S.I. 2013/2329\)](#), art. 1(2), **Sch. para. 10(b)** (with art. 8, Sch. para. 43)

*Delegation*

**F68** .....

**Textual Amendments**

**F6** Sch. 2A paras. 1-8 omitted (1.10.2013) by virtue of [The Public Bodies \(Merger of the Gambling Commission and the National Lottery Commission\) Order 2013 \(S.I. 2013/2329\)](#), art. 1(2), **Sch. para. 10(b)** (with art. 8, Sch. para. 43)

*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.
- (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*

**F710** .....

**Textual Amendments**

**F7** Sch. 2A paras. 10-14 omitted (1.10.2013) by virtue of [The Public Bodies \(Merger of the Gambling Commission and the National Lottery Commission\) Order 2013 \(S.I. 2013/2329\)](#), art. 1(2), **Sch. para. 10(b)** (with art. 8, Sch. para. 43)

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### Accounts

F711 .....

#### Textual Amendments

- F7 Sch. 2A paras. 10-14 omitted (1.10.2013) by virtue of [The Public Bodies \(Merger of the Gambling Commission and the National Lottery Commission\) Order 2013 \(S.I. 2013/2329\)](#), art. 1(2), **Sch. para. 10(b)** (with art. 8, Sch. para. 43)

### Application of seal and evidence

F712 .....

#### Textual Amendments

- F7 Sch. 2A paras. 10-14 omitted (1.10.2013) by virtue of [The Public Bodies \(Merger of the Gambling Commission and the National Lottery Commission\) Order 2013 \(S.I. 2013/2329\)](#), art. 1(2), **Sch. para. 10(b)** (with art. 8, Sch. para. 43)

F713 .....

#### Textual Amendments

- F7 Sch. 2A paras. 10-14 omitted (1.10.2013) by virtue of [The Public Bodies \(Merger of the Gambling Commission and the National Lottery Commission\) Order 2013 \(S.I. 2013/2329\)](#), art. 1(2), **Sch. para. 10(b)** (with art. 8, Sch. para. 43)

F714 .....]

#### Textual Amendments

- F7 Sch. 2A paras. 10-14 omitted (1.10.2013) by virtue of [The Public Bodies \(Merger of the Gambling Commission and the National Lottery Commission\) Order 2013 \(S.I. 2013/2329\)](#), art. 1(2), **Sch. para. 10(b)** (with art. 8, Sch. para. 43)

## 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,

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- (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>M5</sup>Insolvency Act 1986 or Part II of the <sup>M6</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

**M5** [1986 c. 45.](#)

**M6** [S.I. 1989/2405 \(N.I. 19\).](#)

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

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## 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
  - (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).

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*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 .....

.....

**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,



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- (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.

<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

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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**
- 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**

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### *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><sub>3</sub>** 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><sub>4</sub>** 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 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**.

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### *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.

#### **Textual Amendments**

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

*Status: Point in time view as at 01/04/2018.*

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

#### Textual Amendments

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

- <sup>F327</sup> (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>F348</sup> (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—
- (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

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- (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>F369</sup> (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.
- (6) This paragraph is without prejudice to section 60(5) or paragraph 8.
- (7) Any authorisation under this paragraph must be in writing.]

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**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”.

[<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**

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

- C7** Sch. 4A: transfer of functions (13.4.2011) by [The Transfer of Functions \(Big Lottery Fund\) Order 2011 \(S.I. 2011/739\)](#), arts. 1(2), **2(1)(e)** (with art. 3)
- C8** Sch. 4A functions transferred (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), arts. 1(2), **10(2)(c)** (with arts. 10(3), 11, 12)

## **PART 1**

### CONSTITUTION

#### *Membership*

- 1 (1) The Big Lottery Fund shall consist of [<sup>F40</sup>between 9 and 12] members appointed by the [<sup>F41</sup>Secretary of State] .
- (2) The [<sup>F41</sup>Secretary of State] shall appoint one of the members as Chairman.
- (3) The [<sup>F41</sup>Secretary of State] shall ensure that at any time—
- one of the members is appointed to represent the interests of England,
  - one of the members is appointed to represent the interests of Wales,
  - one of the members is appointed to represent the interests of Scotland, and
  - 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 [<sup>F41</sup>Secretary of State] —
- may not appoint a member for the purpose of satisfying more than one of those paragraphs,
  - may appoint the Chairman for the purpose of satisfying one of those paragraphs,
  - shall obtain the agreement of the National Assembly for Wales before appointing a person to satisfy paragraph (b),
  - shall obtain the agreement of the Scottish Ministers before appointing a person to satisfy paragraph (c), and
  - shall obtain the agreement of the Northern Ireland Department of Culture, Arts and Leisure before appointing a person to satisfy paragraph (d).
- (5) The [<sup>F41</sup>Secretary of State] may by order vary the number specified in sub-paragraph (1).
- (6) Before making an order under sub-paragraph (5) the [<sup>F41</sup>Secretary of State] shall consult—
- the National Assembly for Wales,
  - the Scottish Ministers, and
  - the Northern Ireland Department of Culture, Arts and Leisure.



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#### Textual Amendments

- F40** Words in Sch. 4A para. 1(1) substituted (2.11.2011) by [The National Lottery etc. Act 1993 \(Big Lottery Fund\) \(Amendment of Schedule 4A\) Order 2011 \(S.I. 2011/2385\)](#), arts. 1, 2
- F41** Words in Sch. 4A substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 9(15)(a)** (with art. 12)

#### 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).
- 3 The Chairman or another member may resign his office by notice in writing to the [<sup>F41</sup>Secretary of State] .

#### Textual Amendments

- F41** Words in Sch. 4A substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 9(15)(a)** (with art. 12)

- 4 (1) The Chairman or another member may be removed from office by the [<sup>F41</sup>Secretary of State] on the grounds that—
- (a) a bankruptcy order has been made against him [<sup>F42</sup>or a debt relief order has been made in respect of him (under Part 7A of the Insolvency Act 1986),] , 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 [<sup>F41</sup>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 [<sup>F41</sup>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).

#### Textual Amendments

- F41** Words in Sch. 4A substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 9(15)(a)** (with art. 12)
- F42** Words in Sch. 4A para. 4(1)(a) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 29(3)** (with art. 5)

- 5 A person who ceases, otherwise than by virtue of paragraph 4, to be Chairman or another member may be re-appointed.

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### Staff

- 6 The Fund may appoint staff (subject to any directions under [<sup>F43</sup>section 36E(3)(ab)] ).

#### Textual Amendments

**F43** Words in Sch. 4A para. 6 substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 9(15)(b)** (with art. 12)

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

**C9** 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 [<sup>F41</sup>Secretary of State] ;
  - (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 [<sup>F41</sup>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.

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### Textual Amendments

- F41** Words in Sch. 4A substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 9(15)(a)** (with art. 12)

### Modifications etc. (not altering text)

- C10** 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
- C11** 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
- C12** 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
- C13** 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. ”
- 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. ”

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## 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 [F41Secretary of State] may determine, and
  - (b) such travelling and other allowances as the [F41Secretary of State] may determine.
- (2) The Fund may pay to or in respect of the Chairman or another member such sums as the [F41Secretary of State] may determine by way of, or in respect of, pensions, allowances or gratuities.
- (3) If the [F41Secretary 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 [F41Secretary of State] may determine.

#### **Textual Amendments**

**F41** Words in Sch. 4A substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 9(15)(a)** (with art. 12)

- 18 (1) The Fund may (subject to any directions under [F44section 36E(3)(ab)] ) 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,

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- (c) pensions,
- (d) gratuities, or
- (e) compensation for loss of employment.

(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. ”

#### Textual Amendments

**F44** Words in Sch. 4A para. 18(1) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 9(15)(b)** (with art. 12)

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

**C14** 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>F45</sup>relating to the exercise of its functions under this Act] , and
  - [<sup>F46</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 [<sup>F41</sup>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 [<sup>F41</sup>Secretary of State] may, with the consent of the Treasury, direct.

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- (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.]

**Textual Amendments**

- F41** Words in Sch. 4A substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 9(15)(a)** (with art. 12)
- F45** 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
- F46** 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>F47</sup>SCHEDULE 5

Section 37.

**Textual Amendments**

- F47** [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>F48</sup>SCHEDULE 6

Section 40.

**Textual Amendments**

- F48** [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>F49</sup> SCHEDULE 6A

Section 43A.

**Textual Amendments**

- F49** [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)

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<sup>F50</sup>SCHEDULE 7

Section 48.

**Textual Amendments**

**F50** 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.](#))

<sup>F50</sup>SCHEDULE 8

Section 49.

<sup>F50</sup>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.

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*Status: Point in time view as at 01/04/2018.*

*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)*

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		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”.
		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 01/04/2018.

**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.