

## SCHEDULES

### SCHEDULE 1

Section 6

#### NATIONAL LOTTERY LICENSING

*The National Lottery etc. Act 1993 (c. 39)*

- 1 The National Lottery etc. Act 1993 shall be amended as follows.
- 2 For section 1 (the National Lottery) substitute—

#### **“1 The National Lottery**

- (1) A lottery forms part of the National Lottery if it is promoted in accordance with a licence under section 5.
  - (2) A reference to the National Lottery is a reference to the lotteries forming part of the National Lottery in accordance with subsection (1).”
- 3 In section 4(3) (overriding duties) for “the sums that are paid to the Secretary of State by virtue of section 5(6).” substitute “the sums paid into the National Lottery Distribution Fund under section 5(2)(c).”
  - 4 For sections 5 and 6 (licence to run the National Lottery and licence to promote lottery) substitute—

#### **“5 Licence to promote lottery**

- (1) The Commission may by licence authorise a person to promote a lottery.
- (2) A licence—
  - (a) may make provision about any matter connected with the promotion of a lottery (including, in particular, arrangements for advertising, for the sale of tickets, for the distribution of prizes or for compliance with a provision of this Act),
  - (b) may, in particular, require the licensee to—
    - (i) obtain in advance the Commission’s approval of the rules of a lottery, and
    - (ii) pay a fee of such amount as may be prescribed by regulations made by the Secretary of State in respect of an application for approval of the rules of a lottery,
  - (c) shall include a condition requiring the licensee to pay into the National Lottery Distribution Fund sums out of the proceeds of any lottery promoted in reliance on the licence,
  - (d) shall include provision for determining—
    - (i) the amount of payments under paragraph (c), and
    - (ii) the timing of payments under paragraph (c), and

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- (e) may include provision requiring the licensee to make arrangements (which may include payments to the Commission) for securing the payment of prizes in certain circumstances.
- (3) No more than one licence may be issued in relation to any one lottery; but—
- (a) a licence may relate to one or more specified lotteries or to lotteries of a specified description,
  - (b) a person may hold more than one licence at a time, and
  - (c) a licence may require or permit the holder to make arrangements with another person for the performance of specified functions.

### **6 Section 5 licence: procedure**

- (1) The Commission may issue a licence under section 5 to a person only if—
- (a) he has applied in writing for the licence,
  - (b) he has supplied such information or documents in or with the application as the Commission directs,
  - (c) having considered the application the Commission is satisfied that the applicant is a suitable person to promote the lottery or lotteries to which the licence relates, and
  - (d) the Commission has complied with any relevant regulations under section 6A (but this paragraph is subject to section 6A(3)).
- (2) For the purposes of subsection (1)(c) the Commission may, in particular, have regard to—
- (a) the integrity of the applicant or of a person relevant to the application;
  - (b) the competence of the applicant or of any person relevant to the application;
  - (c) the financial and other circumstances of the applicant or of a person relevant to the application.
- (3) A person is relevant to an application under section 5 for the purposes of this section if, in particular—
- (a) he is likely to exercise a function in connection with the promotion of a lottery in reliance on the licence applied for, or
  - (b) he is likely to have an interest in a lottery promoted in reliance on the licence applied for.

### **6A Competition for licences**

- (1) The Commission may not issue a licence under section 5 unless it has complied, in relation to the licence, with regulations of the Secretary of State about inviting competing applications for licences.
- (2) The regulations shall, in particular, make provision—
- (a) about the publication of invitations (including provision as to the manner and timing of publication and the matters to be published), and
  - (b) about the timing of responses.

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- (3) Where an application for a licence under section 5 relates to a lottery already licensed the Commission may issue the licence without complying with the regulations (whether or not compliance has begun) if the Commission thinks it—
    - (a) is likely to be in the interests of compliance with the duty under section 4(2), or
    - (b) is necessary in order to prevent the lapse of the lottery.
  - (4) Where a licence is issued in reliance on subsection (3)(b), the period specified for the duration of the licence under section 7(1A) shall be no longer than the Commission thinks necessary to enable a further licence to be issued having complied with the regulations.
  - (5) This section applies to a variation of a licence which expands the class of authorised activities as it applies to the issue of a licence.
  - (6) Before making regulations under subsection (1) the Secretary of State shall consult the Commission.”
- 5 (1) Section 7 (licensing: supplemental) shall be amended as follows.
- (2) For subsections (1) and (1A) substitute—
    - “(1) A licence under section 5 must be in writing.
    - (1A) A licence under section 5 must specify a period during which it has effect (unless revoked or suspended)—
      - (a) beginning with the date of issue, and
      - (b) not exceeding 15 years.”
  - (3) In subsection (1B) for “section 5 or 6” substitute “section 5”.
  - (4) In subsection (2)—
    - (a) for “A licence granted under section 5 or 6” substitute “A licence under section 5”, and
    - (b) for “by section 5 or 6” substitute “by section 5”.
  - (5) After subsection (3) insert—
    - “(3A) Conditions under subsection (2), or requirements under subsection (2)(c), may, in particular, require the holder of a licence under section 5—
      - (a) to provide information in connection with the licensed activities to—
        - (i) the holder of another licence under section 5,
        - (ii) a person who is applying, or considering whether to apply, for a licence under section 5, or
        - (iii) such other person as the condition or requirement may specify or may enable the Commission to specify;
      - (b) to make facilities in connection with the licensed activities available to—
        - (i) the holder of another licence under section 5,
        - (ii) a person who is applying, or considering whether to apply, for a licence under section 5, or

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- (iii) such other person as the condition or requirement may specify or may enable the Commission to specify;
  - (c) to co-operate with the holder of another licence under section 5 in a specified matter;
  - (d) to participate in or co-operate with arrangements designed for the purposes of—
    - (i) holders of section 5 licences generally, or
    - (ii) a class of holders of section 5 licences generally;
  - (e) not to enter into an arrangement of a specified kind that would or might be harmful to the interests of the holder of another licence under section 5.”
- (6) In subsection (4) for “section 5 or 6” substitute “section 5”.
- (7) In the heading of the section for “sections 5 and 6” substitute “section 5”.
- 6 In section 7A(1) (annual fee) (inserted by section 5 above) for “section 5 or 6” substitute “section 5”.
- 7 In section 8 (variation of licence conditions)—
- (a) in subsection (1) for “section 5 or 6” substitute “section 5”, and
  - (b) in subsection (3)(b) omit “in the case of a licence granted under section 5”.
- 8 In section 9 (enforcement of licence conditions)—
- (a) in subsection (1) for “section 5 or 6” substitute “section 5”, and
  - (b) in subsection (3) for “section 5(6)” substitute “section 5(2)(c)”.
- 9 In section 10 (revocation of licence)—
- (a) in subsection (1) for “a fit and proper body to run the National Lottery.” substitute “a suitable person to promote the lottery or lotteries to which the licence relates”,
  - (b) omit subsection (2),
  - (c) in subsection (3) for “section 5 or 6” substitute “section 5”, and
  - (d) in subsection (3A) for “section 5 or 6” substitute “section 5”.
- 10 In section 10A (financial penalties for breach of licence condition)—
- (a) in subsections (1) and (2)(a) for “section 5 or 6” substitute “section 5”, and
  - (b) in subsection (2)(b) for “paid to the Secretary of State under section 5(6)” substitute “payable under section 5(2)(c)”.
- 11 In section 10C (annual levy) in subsections (1), (3)(a) and (b) and (4) for “section 5 or 6” substitute “section 5”.
- 12 In section 22 (apportionment of National Lottery Distribution Fund: saving) for “section 5(6)” substitute “section 5(2)(c)”.
- 13 In section 32 (distribution fund: investment) for “section 5(6)” substitute “section 5(2)(c)”.
- 14 In Schedule 3 (revocation of licences) for paragraphs 4 and 5 substitute—
- “4 (1) The licensee is not providing or proposing to provide facilities that are necessary or desirable in connection with the operation of a lottery.

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- (2) The licensee is not taking or proposing to take steps that are necessary or desirable for preventing the commission of fraud by participants in a lottery.
- (3) A person who is exercising a function in connection with the promotion of a lottery is unsuitable.
- (4) A person who has an interest in a lottery is unsuitable.”

#### *Other Acts*

- 15 For section 115(5)(d) of the Police Act 1997 (c. 50) (enhanced criminal record certificates) substitute—
  - “(d) a licence under section 5 of the National Lottery etc. Act 1993 (c. 39) (licence to promote lottery);”.
- 16 (1) The Horserace Betting and Olympic Lottery Act 2004 (c. 25) shall be amended as follows.
  - (2) In section 21 (designation of Olympic Lotteries)—
    - (a) in subsection (1) for “section 6” substitute “section 5”, and
    - (b) subsections (2) and (3) shall cease to have effect.
  - (3) In section 22(1) (timing) for “section 6” substitute “section 5”.
  - (4) For section 24(1) (payments into Olympic Lottery Distribution Fund) substitute—
    - “(1) Where a sum is required by virtue of section 5(2)(c) of the National Lottery etc. Act 1993 (c. 39) to be paid into the National Lottery Distribution Fund out of proceeds of lotteries promoted in reliance on a licence, such proportion of that sum as is attributable to Olympic Lotteries shall be paid instead into the Olympic Lottery Distribution Fund.”.
  - (5) In section 26(4)(a) (payments out of Olympic Lottery Distribution Fund) for “section 5(6)” substitute “section 5(2)(c)”.
  - (6) In section 28(3)(a) (winding up of Olympic Lottery Distribution Fund) for “section 5(6)” substitute “section 5(2)(c)”.
  - (7) In section 32(3)(a) (distribution of Olympic Lottery Distributor) for “section 5(6)” substitute “section 5(2)(c)”.

SCHEDULE 2

Section 14

NEW SCHEDULE 4A TO THE NATIONAL LOTTERY ETC. ACT 1993

“SCHEDULE 4A

THE BIG LOTTERY FUND

**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)).

#### **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;
  - (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;

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- (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.
- 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.”

## **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.
- (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.”

## 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).

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### 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, and
  - (b) prepare a statement of accounts in respect of each financial year.
- (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.”

## SCHEDULE 3

Section 21

### REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Public Records Act 1958 (c. 51)	In Schedule 1, in Part II of the Table at the end of paragraph 3, the entries for the National Lottery Charities Board, the Millennium Commission and the New Opportunities Fund.
Parliamentary Commissioner Act 1967 (c. 13)	In Schedule 2, the entries for the National Lottery Charities Board, the Millennium Commission and the New Opportunities Fund.
Superannuation Act 1972 (c. 11)	In Schedule 1, the references to employment by— <ol style="list-style-type: none"> <li>(a) the National Lottery Charities Board, and</li> <li>(b) the New Opportunities Fund.</li> </ol>

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<i>Short title and chapter</i>	<i>Extent of repeal</i>
House of Commons Disqualification Act 1975 (c. 24)	In Schedule 1, in Part III, the entries for the Chairman and members of— (a) the National Lottery Charities Board, and (b) the New Opportunities Fund.
Northern Ireland Assembly Disqualification Act 1975 (c. 25)	In Schedule 1, in Part III, the entries for the Chairman and members of— (a) the National Lottery Charities Board, and (b) the New Opportunities Fund.
Race Relations Act 1976 (c. 74)	In Schedule 1A, in Part II, the entries for the National Lottery Charities Board, the Millennium Commission and the New Opportunities Fund.
Charities Act 1993 (c. 10)	In Schedule 2, paragraph (zb).
National Lottery etc. Act 1993 (c. 39)	Section 7(5) and (6). Section 32(5). Section 34(4). Sections 37 to 43D. In section 44(4), “or 43B”. Schedules 5 to 6A.
National Lottery Act 1998 (c. 22)	In section 6, subsections (2) to (7) and (9) to (10). Section 7. In section 8, subsections (1) and (3) to (7). Section 11(5) and (6). Section 14. Schedule 2.
Government of Wales Act 1998 (c. 38)	In Schedule 5, paragraph 34.
Freedom of Information Act 2000 (c. 36)	In Schedule 1, in Part VI, the entries for the National Lottery Charities Board, the Millennium Commission and the New Opportunities Fund.
National Lottery (Funding of Endowments) Act 2003 (c. 23)	In section 1, subsections (5) to (7).

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