

Status: Point in time view as at 09/11/2016.

Changes to legislation: There are currently no known outstanding effects for the Dormant Bank and Building Society Accounts Act 2008, SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Section 16

FURTHER PROVISION ABOUT THE FUNCTIONS OF THE BIG LOTTERY FUND

PART 1

STRATEGIC PLANS

Strategic plans for England

- 1 (1) If the [F¹Secretary of State] instructs it to do so, the Big Lottery Fund shall—
- (a) prepare and adopt a strategic plan for England,
 - (b) review and modify any such plan that it has adopted, or
 - (c) replace any such plan that it has adopted by preparing and adopting another.
- (2) In this paragraph “strategic plan for England” means a statement containing the Fund's policies for the distribution of dormant account money for meeting English expenditure.
- (3) A strategic plan for England must include—
- (a) a statement of any directions given to the Fund under section 22 by the [F¹Secretary of State], other than directions given by virtue only of subsection (4) of that section;
 - (b) a statement of the Fund's assessment of the needs in England that the Fund has power to deal with, in whole or in part, by distributing dormant account money;
 - (c) a statement of the Fund's priorities in dealing with those needs by the distribution of dormant account money.
- (4) A strategic plan for England must be such as to demonstrate how the Fund is complying with any directions to which sub-paragraph (3)(a) applies.
- (5) Before adopting a strategic plan for England, the Fund shall—
- (a) consult such other bodies as it thinks fit for the purpose of identifying the needs mentioned in sub-paragraph (3)(b) and formulating the policies to be adopted for dealing with those needs;
 - (b) prepare a draft of the proposed plan;
 - (c) send a copy of the draft to the [F¹Secretary of State];
 - (d) after consultation with the [F¹Secretary of State], make such modifications to the draft as it considers necessary or expedient.
- (6) Where the Fund adopts a strategic plan for England—
- (a) the Fund shall send copies of the document containing the plan to the [F¹Secretary of State];

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- (b) the [F1 Secretary of State] shall lay a copy of the document before each House of Parliament.

Textual Amendments

F1 Words in Sch. 3 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. 20(2)(h)** (with art. 12)

Commencement Information

II Sch. 3 para. 1 in force at 12.3.2009 by [S.I. 2009/490](#), **art. 2**

Strategic plans for Wales

- 2 (1) If the Welsh Ministers instruct it to do so, the Big Lottery Fund shall—
- (a) prepare and adopt a strategic plan for Wales,
 - (b) review and modify any such plan that it has adopted, or
 - (c) replace any such plan that it has adopted by preparing and adopting another.
- (2) In this paragraph “strategic plan for Wales” means a statement containing the Fund's policies for the distribution of dormant account money for meeting Welsh expenditure.
- (3) A strategic plan for Wales must include—
- (a) a statement of any directions under section 22 given to the Fund by the Welsh Ministers;
 - (b) a statement of the Fund's assessment of the needs in Wales that the Fund has power to deal with, in whole or in part, by distributing dormant account money;
 - (c) a statement of the Fund's priorities in dealing with those needs by the distribution of dormant account money.
- (4) A strategic plan for Wales must be such as to demonstrate how the Fund is complying with any directions to which sub-paragraph (3)(a) applies.
- (5) Before adopting a strategic plan for Wales, the Fund shall—
- (a) consult such other bodies as it thinks fit for the purpose of identifying the needs mentioned in sub-paragraph (3)(b) and formulating the policies to be adopted for dealing with those needs;
 - (b) prepare a draft of the proposed plan;
 - (c) send a copy of the draft to the Welsh Ministers;
 - (d) after consultation with the Welsh Ministers, make such modifications to the draft as it considers necessary or expedient.
- (6) Where the Fund adopts a strategic plan for Wales—
- (a) the Fund shall send copies of the document containing the plan to the Welsh Ministers;
 - (b) the Welsh Ministers shall lay a copy of the document before the National Assembly for Wales.

Status: Point in time view as at 09/11/2016.

Changes to legislation: There are currently no known outstanding effects for the Dormant Bank and Building Society Accounts Act 2008, SCHEDULE 3. (See end of Document for details)

Commencement Information

I2 Sch. 3 para. 2 in force at 12.3.2009 by [S.I. 2009/490](#), [art. 2](#)

Strategic plans for Scotland

- 3 (1) If the Scottish Ministers instruct it to do so, the Big Lottery Fund shall—
- (a) prepare and adopt a strategic plan for Scotland,
 - (b) review and modify any such plan that it has adopted, or
 - (c) replace any such plan that it has adopted by preparing and adopting another.
- (2) In this paragraph “strategic plan for Scotland” means a statement containing the Fund's policies for the distribution of dormant account money for meeting Scottish expenditure.
- (3) A strategic plan for Scotland must include—
- (a) a statement of any directions under section 22 given to the Fund by the Scottish Ministers;
 - (b) a statement of the Fund's assessment of the needs in Scotland that the Fund has power to deal with, in whole or in part, by distributing dormant account money;
 - (c) a statement of the Fund's priorities in dealing with those needs by the distribution of dormant account money.
- (4) A strategic plan for Scotland must be such as to demonstrate how the Fund is complying with any directions to which sub-paragraph (3)(a) applies.
- (5) Before adopting a strategic plan for Scotland, the Fund shall—
- (a) consult such other bodies as it thinks fit for the purpose of identifying the needs mentioned in sub-paragraph (3)(b) and formulating the policies to be adopted for dealing with those needs;
 - (b) prepare a draft of the proposed plan;
 - (c) send a copy of the draft to the Scottish Ministers;
 - (d) after consultation with the Scottish Ministers, make such modifications to the draft as it considers necessary or expedient.
- (6) Where the Fund adopts a strategic plan for Scotland—
- (a) the Fund shall send copies of the document containing the plan to the Scottish Ministers;
 - (b) the Scottish Ministers shall lay a copy of the document before the Scottish Parliament.

Commencement Information

I3 Sch. 3 para. 3 in force at 12.3.2009 by [S.I. 2009/490](#), [art. 2](#)

Strategic plans for Northern Ireland

- 4 (1) If instructed to do so by the Department of Finance and Personnel in Northern Ireland (“the Department”), the Big Lottery Fund shall—

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- (a) prepare and adopt a strategic plan for Northern Ireland,
 - (b) review and modify any such plan that it has adopted, or
 - (c) replace any such plan that it has adopted by preparing and adopting another.
- (2) In this paragraph “strategic plan for Northern Ireland” means a statement containing the Fund's policies for the distribution of dormant account money for meeting Northern Ireland expenditure.
- (3) A strategic plan for Northern Ireland must include—
- (a) a statement of any directions under section 22 given to the Fund by the Department;
 - (b) a statement of the Fund's assessment of the needs in Northern Ireland that the Fund has power to deal with, in whole or in part, by distributing dormant account money;
 - (c) a statement of the Fund's priorities in dealing with those needs by the distribution of dormant account money.
- (4) A strategic plan for Northern Ireland must be such as to demonstrate how the Fund is complying with any directions to which sub-paragraph (3)(a) applies.
- (5) Before adopting a strategic plan for Northern Ireland, the Fund shall—
- (a) consult such other bodies as it thinks fit for the purpose of identifying the needs mentioned in sub-paragraph (3)(b) and formulating the policies to be adopted for dealing with those needs;
 - (b) prepare a draft of the proposed plan;
 - (c) send a copy of the draft to the Department;
 - (d) after consultation with the Department, make such modifications to the draft as it considers necessary or expedient.
- (6) Where the Fund adopts a strategic plan for Northern Ireland—
- (a) the Fund shall send copies of the document containing the plan to the Department;
 - (b) the Department shall lay a copy of the document before the Northern Ireland Assembly.

Commencement Information

I4 Sch. 3 para. 4 in force at 12.3.2009 by [S.I. 2009/490](#), [art. 2](#)

PART 2

DELEGATION ETC

Delegation to other bodies or persons, or to committees

- 5 (1) The Big Lottery Fund may appoint any other body or person to exercise on its behalf any of its dormant account functions—
- (a) in any particular case, or
 - (b) in cases of any particular description.

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Changes to legislation: There are currently no known outstanding effects for the Dormant Bank and Building Society Accounts Act 2008, SCHEDULE 3. (See end of Document for details)

- (2) The persons who may be appointed by the Fund under sub-paragraph (1) include a member, employee or committee of the Fund.
- (3) The following bodies may accept an appointment under this paragraph (in addition to any that may do so apart from this sub-paragraph)—
 - (a) a body that distributes money under section 25(1) of the National Lottery etc. Act 1993 (c. 39);
 - (b) a charity or a charitable, benevolent or philanthropic institution;
 - (c) a body established by or under an enactment;
 - (d) a body established by Royal Charter.
- (4) A body appointed by virtue of sub-paragraph (1) to exercise a function on behalf of the Fund may itself appoint any of its members or employees, or a committee, to exercise the function in its place, but only if—
 - (a) the terms of the appointment so permit, and
 - (b) the body has power apart from this paragraph to appoint a member or (as the case may be) an employee or committee of the body to exercise some or all of its functions.
- (5) The Fund may establish a committee for the purpose of exercising on its behalf any of its dormant account functions.
- (6) A body falling within any paragraph of sub-paragraph (3) may establish a committee for the purpose of exercising on behalf of the Fund any of the Fund's dormant account functions.
- (7) A committee established under sub-paragraph (6)—
 - (a) must consist of or include one or more members, or one or more employees, of the body establishing the committee, but
 - (b) may include persons who are neither members nor employees of that body.

Commencement Information

I5 Sch. 3 para. 5 in force at 12.3.2009 by [S.I. 2009/490](#), [art. 2](#)

Interpretation of paragraph 5

- 6 (1) In paragraph 5—
- “charity” means a body, or the trustees of a trust, established for charitable purposes only;
- “charitable, benevolent or philanthropic institution” means a body, or the trustees of a trust, that is established—
- (a) for charitable purposes (whether or not those purposes are charitable within the meaning of any rule of law),
 - (b) for benevolent purposes, or
 - (c) for philanthropic purposes,
- and is not a charity;
- “dormant account functions” means functions relating to, or connected with, the distribution of dormant account money (including the function of making decisions as to the persons to whom distributions are to be made).

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Changes to legislation: There are currently no known outstanding effects for the Dormant Bank and Building Society Accounts Act 2008, SCHEDULE 3. (See end of Document for details)

- (2) For the purposes of paragraph 5—
- (a) the trustees of a trust are to be regarded as a body;
 - (b) a reference to a member of a body, in the case of a body of trustees, is to be read as a reference to any of the trustees.
- (3) A reference in paragraph 5 to a member of a body includes the chairman or deputy chairman of the body (or the holder of any corresponding office in relation to it).

Commencement Information

I6 Sch. 3 para. 6 in force at 12.3.2009 by [S.I. 2009/490](#), [art. 2](#)

Provision supplementing paragraph 5

- 7 (1) The Big Lottery Fund may make payments in respect of expenditure (which may include expenditure of a capital nature) of a body or person to whom it delegates a function under paragraph 5(1).
- (2) Paragraph 5(5) is not to be read as preventing the Fund from—
- (a) establishing a committee otherwise than in accordance with that provision, or
 - (b) authorising a committee (whether or not established in accordance with that provision) to exercise a function of the Fund.
- (3) A power conferred on a body by paragraph 5 is so conferred—
- (a) to the extent that the body would not have the power apart from that paragraph, and
 - (b) notwithstanding anything to the contrary in any enactment or instrument relating to the functions of the body.

Commencement Information

I7 Sch. 3 para. 7 in force at 12.3.2009 by [S.I. 2009/490](#), [art. 2](#)

New functions for existing devolved expenditure committees

- 8 (1) The functions of the committee established under paragraph 7(1)(a) of Schedule 4A to the National Lottery etc. Act 1993 (c. 39) are to include exercising the functions of the Big Lottery Fund under this Act in relation to English expenditure.
- (2) The functions of the committee established under paragraph 7(1)(b) of that Schedule are to include exercising the functions of the Fund under this Act in relation to Welsh expenditure.
- (3) The functions of the committee established under paragraph 7(1)(c) of that Schedule are to include exercising the functions of the Fund under this Act in relation to Scottish expenditure.
- (4) The functions of the committee established under paragraph 7(1)(d) of that Schedule are to include exercising the functions of the Fund under this Act in relation to Northern Ireland expenditure.

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Commencement Information

I8 Sch. 3 para. 8 in force at 12.3.2009 by [S.I. 2009/490](#), [art. 2](#)

PART 3

REPORTS AND ACCOUNTS

Annual reports

- 9 (1) As soon as possible after the end of every financial year, the Big Lottery Fund shall prepare a report on the exercise during that year of its functions under this Act.
- (2) The report shall set out any directions given to the Fund under section 22 that had effect during the financial year to which the report relates.
- (3) The report shall set out the Fund's policy and practice in relation to the principle that dormant account money should be used to fund projects, or aspects of projects, for which funds would be unlikely to be made available by—
- (a) a Government department,
 - (b) the Welsh Ministers,
 - (c) the Scottish Ministers, or
 - (d) a Northern Ireland department.
- (4) Every report under this paragraph shall be—
- (a) given by the Fund to the [^{F1}Secretary of State] and laid by him or her before Parliament;
 - (b) given by the Fund to the Welsh Ministers and laid by them before the National Assembly for Wales;
 - (c) given by the Fund to the Scottish Ministers and laid by them before the Scottish Parliament;
 - (d) given by the Fund to the Department of Finance and Personnel in Northern Ireland and laid by that Department before the Northern Ireland Assembly.

Textual Amendments

F1 Words in Sch. 3 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. 20\(2\)\(h\)](#) (with [art. 12](#))

Commencement Information

I9 Sch. 3 para. 9 in force at 12.3.2009 by [S.I. 2009/490](#), [art. 2](#)

Accounts

- 10 (1) The Big Lottery Fund shall—
- (a) keep proper accounting records relating to the exercise of its functions under this Act, and
 - (b) prepare in respect of each financial year a statement of accounts relating to the exercise of those functions.

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- (2) The Fund shall send a copy of a statement under sub-paragraph (1)(b)—
- (a) to the [^{F1}Secretary of State];
 - (b) to the Welsh Ministers;
 - (c) to the Scottish Ministers;
 - (d) to the Department of Finance and Personnel in Northern Ireland;
 - (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 [^{F1}Secretary of State] may direct.
- (4) The Comptroller and Auditor General shall—
- (a) examine, certify and report on a statement received under this paragraph;
 - (b) lay a copy of the statement and the report on it before Parliament, before the National Assembly for Wales, before the Scottish Parliament and before the Northern Ireland Assembly.

Textual Amendments

- F1** Words in Sch. 3 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. 20(2)(h)** (with art. 12)

Commencement Information

- I10** Sch. 3 para. 10 in force at 12.3.2009 by [S.I. 2009/490](#), **art. 2**

- 11 In Schedule 4A to the National Lottery etc. Act 1993 (c. 39) (the Big Lottery Fund), in sub-paragraph (1) of paragraph 21 (accounts)—
- (a) in paragraph (a), after “records” there is inserted “relating to the exercise of its functions under this Act”;
 - (b) for paragraph (b) there is substituted—
 - “(b) prepare in respect of each financial year a statement of accounts relating to the exercise of those functions.”

Commencement Information

- I11** Sch. 3 para. 11 in force at 12.3.2009 by [S.I. 2009/490](#), **art. 2**

PART 4

MISCELLANEOUS POWERS

Power to solicit applications

- 12 (1) The Big Lottery Fund has power to solicit applications from other bodies or persons for dormant account money.
- (2) In determining whether a decision of the Fund concerning its distribution of dormant account money was unlawful, it is immaterial whether or not the Fund, or any person acting on its behalf, solicited an application from a body or person for such money.

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Changes to legislation: There are currently no known outstanding effects for the Dormant Bank and Building Society Accounts Act 2008, SCHEDULE 3. (See end of Document for details)

Commencement Information

I12 Sch. 3 para. 12 in force at 12.3.2009 by [S.I. 2009/490](#), [art. 2](#)

Power to consult

- 13 In determining how to distribute dormant account money the Big Lottery Fund may—
- (a) consult any person;
 - (b) take account of opinions expressed to it or information submitted to it.

Commencement Information

I13 Sch. 3 para. 13 in force at 12.3.2009 by [S.I. 2009/490](#), [art. 2](#)

Power to publish information etc

- 14 (1) The Big Lottery Fund may make or participate in arrangements for—
- (a) publishing information relating to the effect of a provision of this Act;
 - (b) publishing information relating to the distribution of dormant account money or the expenditure of dormant account money that has been distributed;
 - (c) encouraging participation in activities relating to the distribution of dormant account money.
- (2) The reference in section 25E of the National Lottery etc. Act 1993 (distribution of funds: publicity) to a body which distributes money under section 25(1) of that Act is to be read as including the Big Lottery Fund in its capacity as distributor of dormant account money.

Commencement Information

I14 Sch. 3 para. 14 in force at 12.3.2009 by [S.I. 2009/490](#), [art. 2](#)

Power to give advice

- 15 The Big Lottery Fund may give advice about—
- (a) the distribution of dormant account money;
 - (b) inviting, making or considering applications for grants and loans out of dormant account money;
 - (c) the use of dormant account money that has been distributed.

Commencement Information

I15 Sch. 3 para. 15 in force at 12.3.2009 by [S.I. 2009/490](#), [art. 2](#)

Status:

Point in time view as at 09/11/2016.

Changes to legislation:

There are currently no known outstanding effects for the Dormant Bank and Building Society Accounts Act 2008, SCHEDULE 3.