

*Status: Point in time view as at 09/11/2016.*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, Part 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3

#### FURTHER PROVISION ABOUT THE FUNCTIONS OF THE BIG LOTTERY FUND

##### 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.
- (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.

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**Commencement Information**

**II** 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).
- (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**

**I2** 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.

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**Commencement Information**

**I3** Sch. 3 para. 7 in force at 12.3.2009 by [S.I. 2009/490](#), **art. 2**

*New functions for existing devolved expenditure committees*

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- (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.

**Commencement Information**

**I4** Sch. 3 para. 8 in force at 12.3.2009 by [S.I. 2009/490](#), **art. 2**

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