

Draft Order laid before Parliament under section 11 of the Public Bodies Act 2011, for approval by resolution of each House of Parliament after the expiry of the 40-day period referred to in section 11(4) of that Act.

DRAFT STATUTORY INSTRUMENTS

2012 No. XXXX

PUBLIC BODIES

**The Public Bodies (Abolition of the National Endowment
for Science, Technology and the Arts) Order 2012**

Made - - - - - ***
Coming into force - - - - - ***

The Secretary of State for Business, Innovation and Skills makes the following Order in exercise of the powers conferred by sections 1(1), 6(1) and (5) and 35(2) of the Public Bodies Act 2011⁽¹⁾ (“the Act”).

The Secretary of State considers that this Order—

- (a) serves the purpose of improving the exercise of public functions, having had regard to the factors set out in section 8(1) of the Act; and
- (b) does not remove any necessary protection or prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise.

The consent of the Scottish Parliament and the consent of the Northern Ireland Assembly have, so far as required, been obtained in accordance with section 9(1) and (3) of the Act.

The Secretary of State has consulted in accordance with section 10 of the Act.

The Secretary of State has consulted the Welsh Ministers in accordance with section 63(1) of the Government of Wales Act 2006⁽²⁾.

A draft of this Order and an explanatory document containing the information required in section 11(2) of the Act have been laid before Parliament in accordance with section 11(1) after the end of the period of twelve weeks mentioned in section 11(3). In accordance with section 11(4) of the Act, the draft of this Order has been approved by a resolution of each House of Parliament after the expiry of the 40-day period referred to in that provision.

(1) 2011 c.24.
(2) 2006 c.32.

Citation and commencement

1.—(1) This Order may be cited as the Public Bodies (Abolition of the National Endowment for Science, Technology and the Arts) Order 2012.

(2) Subject to paragraph (3), this Order shall come into force on 1st April 2012 or, if the Order is made on or after 1st April 2012, 28 days after the day on which it is made.

(3) Article 3(2) shall come into force on the day after that on which the other provisions of this Order come into force.

Abolition

2. The National Endowment for Science, Technology and the Arts, which was established by section 16 of the National Lottery Act 1998(3), is abolished.

Amendments

3.—(1) The consequential amendments and revocation which are set out in the Schedule shall have effect.

(2) In Schedule 1 to the Public Bodies Act 2011, the entry relating to the National Endowment for Science, Technology and the Arts is omitted.

Date

Name
Minister of State
Department for Business, Innovation and Skills

SCHEDULE

CONSEQUENTIAL AMENDMENTS

<i>Legislation</i>	<i>Provision</i>	<i>Amendment</i>
Parliamentary Commissioner Act 1967(4)	Schedule 2	Omit “National Endowment for Science, Technology and the Arts”.
House of Commons Disqualification Act 1975(5)	Part III of Schedule 1	Omit the entry relating to the Chairman and other members of the National Endowment for Science, Technology and the Arts.
Northern Ireland Assembly Disqualification Act 1975(6)	Part III of Schedule 1	Omit the entry relating to the Chairman and other members of the National Endowment for Science, Technology and the Arts.
Finance Act 1982(7)	Section 129(1)	Omit “or to the National Endowment for Science, Technology and the Arts”.
Inheritance Tax Act 1984(8)	Schedule 3	Omit “The National Endowment for Science, Technology and the Arts”.
Finance Act 1986(9)	Section 90(7)	Omit paragraph (e) and the preceding “or”.
Taxation of Chargeable Gains Act 1992(10)	Section 271(7)	After “Historic Buildings and Monuments Commission for England” insert “and”. Omit “and the National Endowment for Science, Technology and the Arts”.
National Lottery etc Act 1993(11)	Section 22	For subsection (4) substitute - “(4) This section has effect subject to section 25 of the Horserace Betting and Olympic Lottery Act 2004.”

(4) 1967 c.13: the new Schedule 2 was inserted in 1967 c.13 by the Parliamentary Commissioner Order 2011 (S.I. 2011/751).

(5) 1975 c.24: the relevant entry in Part III of Schedule 1 was inserted by the National Lottery Act 1998 (c.22) sections 16(2), 27(4) and Schedule 4 paragraph 10(1).

(6) 1975 c.25: the relevant entry in Part III of Schedule 1 was inserted by the National Lottery Act 1998 sections 16(2), 27(4) and Schedule 4 paragraph 10(2).

(7) 1982 c.39: the relevant words were inserted in section 129(1) by the National Lottery Act 1998 sections 24(4) and 27(4).

(8) 1984 c. 51: the relevant words were inserted in Schedule 3 by the National Lottery Act 1998 section 24(3).

(9) 1986 c.41: paragraph (e) was inserted in section 90(7) by the National Lottery Act 1998 section 24(5).

(10) 1992 c.12: the words were inserted in section 271(7) by the National Lottery Act 1998 section 24(2).

(11) 1993 c.39: section 22(4) was amended by sections 19(7) and 27(4) of the National Lottery Act 1998 and takes effect subject to section 25 of the Horserace Betting and Olympic Lottery Act 2004 (c.25).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Public Bodies (Abolition of the National Endowment for Science, Technology and the Arts) Order 2012 No. 964*

<i>Legislation</i>	<i>Provision</i>	<i>Amendment</i>
National Lottery Act 1998 (12)	Part II	Omit Part II (including Schedule 4).
Freedom of Information Act 2000 (13)	Part VI of Schedule 1	Omit the entry relating to the National Endowment for Science, Technology and the Arts.
Finance Act 2003 (14)	Section 69	Omit paragraph (b).
Income Tax (Trading and Other Income) Act 2005 (15)	Section 108(4)	Omit paragraph (e).
	Section 620(5)	In the definition of “charity” – – (a) insert “and” after paragraph (a); and (b) omit paragraph (c) and the preceding “and”.
	Section 628(6)	In the definition of “charity” – (a) insert “and” after paragraph (a); and (b) omit paragraph (c) and the preceding “and”.
National Endowment for Science, Technology and the Arts (Increase of Endowment) Order 2006 (16)		Revoke.
Income Tax Act 2007 (17)	Section 430(1)	Insert “and” after paragraph (a). Omit paragraph (c) and the preceding “and”.
	Section 446	Insert “and” after paragraph (a). Omit paragraph (c) and the preceding “and”.
Corporation Tax Act 2009 (18)	Section 105(4)	Insert “and” after paragraph (a).

(12) 1998 c.22.

(13) 2000 c.36.

(14) 2003 c.14.

(15) 2005 c. 5: the relevant words in sections 620(5) and 628(6) were amended by the Income Tax Act 2007 (c.3).

(16) S.I. 2006/396.

(17) 2007 c.3.

(18) 2009 c.4.

<i>Legislation</i>	<i>Provision</i>	<i>Amendment</i>
		Omit paragraph (c) and the preceding “and”.
Corporation Tax Act 2010(19)	Section 202	Insert “or” at the end of paragraph (c). Omit paragraph (e) and the preceding “or”.
	Section 217	Insert “or” after paragraph (b). Omit paragraph (d) and the preceding “or”.
	Section 468	Insert “and” after paragraph (c). Omit paragraph (e) and the preceding “and”.

EXPLANATORY NOTE

(This note is not part of the Order)

The National Endowment for Science, Technology and the Arts (“NESTA”) was established by the National Lottery Act 1998. This Order abolishes NESTA using powers contained in the Public Bodies Act 2011.

A full economic impact assessment has been produced for this Order by the Department for Business, Innovation and Skills and is annexed to the Explanatory Document for this Order on www.legislation.gov.uk.