



National Lottery Act 2006

2006 CHAPTER 23

Dissolution of old distributors

16 Dissolution

- (1) The Secretary of State may by order provide that one or more of the following shall cease to exist—
 - (a) the National Lottery Charities Board,
 - (b) the Millennium Commission, and
 - (c) the New Opportunities Fund.
- (2) An order under subsection (1) may include consequential, incidental or transitional provision (which may include provision amending an enactment, whether by removing a reference to a body, by substituting a reference to the Big Lottery Fund, or otherwise).
- (3) An order under subsection (1)—
 - (a) shall be made by statutory instrument,
 - (b) if it contains provision amending an enactment, shall not be made unless a draft has been laid before and approved by each House of Parliament, and
 - (c) in any other case, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

17 Transfer of property, &c.

- (1) In this section—

“old lottery distributor” means a body dissolved by section 16, and
“the appointed day” means the day appointed under section 16(1).
- (2) The property, rights and liabilities to which an old lottery distributor was entitled or subject immediately before the appointed day shall on that day vest in the Big Lottery Fund by virtue of this subsection.

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- (3) Anything done by or in relation to an old lottery distributor which has effect immediately before the appointed day shall, so far as necessary for continuing its effect after that day, have effect as if done by or in relation to the Fund.
- (4) Anything (including any legal proceedings) which immediately before the appointed day is in the process of being done by or in relation to an old lottery distributor may be continued by or in relation to the Fund.
- (5) So far as necessary or appropriate in consequence of subsection (2), on and after the appointed day—
- (a) a reference to an old lottery distributor in an agreement (whether written or not), instrument or other document shall be treated as a reference to the Fund, and
 - (b) a reference in an agreement (whether written or not), instrument or other document to a member or officer of an old lottery distributor shall be treated as a reference to a person appointed for the purpose in writing by the Fund.
- (6) The Fund must provide information on request about an appointment under subsection (5)(b).
- (7) Subsection (2) shall operate in relation to property, rights or liabilities—
- (a) whether or not they would otherwise be capable of being transferred,
 - (b) without any instrument or other formality being required, and
 - (c) irrespective of any requirement for consent that would otherwise apply.
- (8) In so far as subsection (2) transfers liabilities under contracts of employment—
- (a) nothing in this section shall affect the operation of the Transfer of Undertakings (Protection of Employment) Regulations 1981 (S.I. 1981/1794), and
 - (b) the Secretary of State shall not appoint the appointed day unless satisfied that sufficient notice has been given to enable compliance with any applicable requirement of those regulations.
- (9) Without prejudice to the generality of subsections (3) and (4), the Big Lottery Fund may do anything it thinks necessary or expedient for the purpose of giving effect to a decision, agreement or undertaking of an old lottery distributor (whether in respect of a grant or loan or otherwise) irrespective of whether the Big Lottery Fund would have the power under the National Lottery etc. Act 1993 (c. 39), as amended by this Act, to make that decision or agreement or to give that undertaking.

Commencement Information

II S. 17 in force at 1.12.2006 by S.I. 2006/3201, art. 2(d)

18 Outstanding balances

- (1) Money that immediately before the appointed day is held in the National Lottery Distribution Fund for distribution by an old lottery distributor shall on that day be treated as—
- (a) allocated under section 22(3)(d) of the National Lottery etc. Act 1993 (as substituted by section 7 above), and

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- (b) held in the Distribution Fund for distribution by the Big Lottery Fund in accordance with section 23(4) of that Act (as substituted by section 15 above).
- (2) Money transferred under section 17(2) to the Big Lottery Fund having been paid to an old lottery distributor under section 24 of the National Lottery etc. Act 1993 shall be treated as having been paid to the Fund under that section.
- (3) In this section—
 - “old lottery distributor” means a body dissolved by section 16, and
 - “the appointed day” means the day appointed under section 16(1).

Commencement Information

I2 S. 18 in force at 1.12.2006 by S.I. 2006/3201, art. 2(d)

19 Consequential amendments

- (1) The National Lottery etc. Act 1993 shall be amended as follows.
- (2) In section 25C(3)(a) for “or 43C(1),” substitute “ or 36E, ”.
- (3) At the end of section 26 (directions to distributing bodies) add—
 - “(6) This section does not apply to the Big Lottery Fund.”
- (4) In section 34 (annual reports)—
 - (a) omit subsection (4), and
 - (b) in the heading omit “other than Millennium Commission”.
- (5) In section 35 (accounts)—
 - (a) in subsection (7) for “the National Lottery Charities Board, the Millennium Commission or the New Opportunities Fund” substitute “ the Big Lottery Fund ”, and
 - (b) in the heading for “Charities Board and Millennium Commission” substitute “ the Big Lottery Fund ”.
- (6) The following shall cease to have effect—
 - (a) sections 37 to 39 (the National Lottery Charities Board),
 - (b) sections 40 to 43 (the Millennium Commission), and
 - (c) sections 43A to 43D (the New Opportunities Fund).
- (7) In section 44(1) (interpretation) omit the entry for “the Charities Board”.
- (8) In section 60 of that Act (orders and regulations)—
 - (a) in subsection (2) for paragraph (a) substitute—
 - “(a) section 22(3A), 28 or 36B(3),”, and
 - (b) in subsection (2A) for “section 43B.” substitute “ section 22(3A) or 36B(3). ”
- (9) The following shall cease to have effect—
 - (a) Schedule 5 (National Lotteries Charities Board),
 - (b) Schedule 6 (the Millennium Commission), and
 - (c) Schedule 6A (the New Opportunities Fund).

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(10) In Schedule 5 to the Government of Wales Act 1998 (c. 38) (persons who may be compelled to attend proceedings of or provide documents to the National Assembly for Wales) after paragraph 7 insert—

“7A The Big Lottery Fund.”

Commencement Information

I3 [S. 19](#) in force at 1.12.2006 by [S.I. 2006/3201](#), [art. 2\(d\)](#)

Changes to legislation:

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