

SCHEDULE

National Lottery etc. Act 1993 (c. 39)

15.—(1) The functions of the Secretary of State under section 14 of the National Lottery etc. Act 1993 (annual report of National Lottery Commission) shall be treated as exercisable in or as regards Scotland and may be exercised separately.

(2) After section 25C(1) of that Act there is inserted—

“Strategic plans for distributing bodies in or as regards Scotland

25D. The functions of the Secretary of State—

(a) under section 25C(1) shall, as regards instructions to—

- (i) any body specified in section 23(1)(2) whose functions exclusively or mainly relate to the arts in Scotland; or
- (ii) any body specified in section 23(2)(3) whose functions exclusively or mainly relate to sport in Scotland; and

(b) under section 25C(5)(c) and (d) and (6) shall, as regards strategic plans prepared by any body other than—

- (i) any body specified in section 23(1) whose functions relate exclusively or mainly to the arts in any one of England, Wales or Northern Ireland; or
- (ii) any body specified in section 23(2) whose functions relate exclusively or mainly to sport in any one of England, Wales or Northern Ireland,

be treated as exercisable in or as regards Scotland and may be exercised separately.”.

(3) After section 26 of that Act there is inserted—

“Directions to distributing bodies in or as regards Scotland

26A.—(1) The functions of the Secretary of State—

(a) under section 26(1), (3), (3A)(4) (4)(5) and (5) shall, as regards directions to—

- (i) any body specified in section 23(1)(6) whose functions exclusively or mainly relate to the am in Scotland; or
- (ii) any body specified in section 23(2)(7) whose functions exclusively or mainly relate to sport in Scotland; and

(b) under section 26(3A) shall, as regards directions to any other body except—

- (i) any body specified in section 23(1) whose functions relate exclusively or mainly to the arts in any one of England, Wales or Northern Ireland; or
- (ii) any body specified in section 23(2) whose functions relate exclusively or mainly to sport in any one of England, Wales or Northern Ireland,

be treated as exercisable in or as regards Scotland and may be exercised separately.

(1) Section 25C was inserted by the National Lottery Act 1998 (c. 22) (“the 1999 Act”), section 13.

(2) Section 23(1) was amended by S.I. 1994/1342 and 1995/2088.

(3) Section 23(2) was amended by S.I. 1996/3095.

(4) Section 26(3A) was inserted by the 1998 Act section 11(2).

(5) Section 26(4) was amended by the 1998 Act, section 11(3).

(6) Section 23(1) was amended by S.I. 1994/1342 and 1995/2088.

(7) Section 23(2) was amended by S.I. 1996/3095,

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- (2) Directions given to the National Lottery Charities Board or the New Opportunities Fund under section 26(1) or to the Trustees of the National Heritage Memorial Fund under section 26(2) may be made—
- (a) to apply to the whole of the United Kingdom and provide for all matters other than those to be provided specifically for Scotland in accordance with subsection (3); or
 - (b) to apply only to Scotland and provide for the matters specified in subsection (3).
- (3) Directions given in accordance with subsection (2)(b) may, in relation to any distribution made for a purpose which does not concern reserved matters, provide for priorities and other matters to be taken into account in determining the persons to whom and the purposes for which the money available for distribution in Scotland is distributed and in determining conditions of distribution for the purpose of specific cases but may not provide for—
- (a) the total allocation of resources to Scotland or between Scotland and other parts of the United Kingdom; or
 - (b) except in relation to any initiative specified in an order made under section 43B⁽⁸⁾ which applies only in Scotland, the general conditions subject to which lottery money is distributed in accordance with directions applying to the whole of the United Kingdom.”.
- (4) In section 27 of that Act (power to prohibit distribution in certain cases) at the end add—
- “(9) The function of the Secretary of State—
- (a) under subsection (1) to prohibit a body from distributing money; or
 - (b) under subsection (8) to require information,
- may, in relation to—
- (i) any body specified in section 23(1) whose functions exclusively or mainly relate to the arts in Scotland; or
 - (ii) any body specified in section 23(2) whose functions exclusively or mainly relate to sport in Scotland,
- be exercised separately.”.
- (5) In section 29 of that Act (power to amend section 23) at the end add—
- “(6) The functions of the Secretary of State under this section shall, in so far as they relate to—
- (a) substitution of a different body for, or addition of another body to, the body specified in section 23(3) or (4) or omission of a body specified in either of those subsections; or
 - (b) substitution of a different percentage for the total aggregate percentage specified as held in the Distribution Fund for—
 - (i) any body or bodies specified in section 23(1) whose functions exclusively or mainly relate to the arts in Scotland, or
 - (ii) any body or bodies specified in section 23(2) whose functions exclusively or mainly relate to sport in Scotland;
 - (c) substitution of a different body for, or addition of another body to, any such body specified in section 23(1) or (2) as is mentioned in paragraph (b) above or omission of any such body specified in section 23(1) or (2); or

⁽⁸⁾ Section 43B was inserted by the 1998 Act section 7(2).

- (d) where more than one such body is specified in section 23(1) or (2), specification of the particular percentage held in the Distribution Fund for distribution by any one of those bodies,
be treated as exercisable in or as regards Scotland and may be exercised separately.”
- (6) In section 34 of that Act (annual reports of distributing bodies) at the end add—
“(5) The functions of the Secretary of State under this section shall, in so far as they relate to any body other than—
(a) any body specified in section 23(1) whose functions relate exclusively or mainly to the arts in any one of England, Wales or Northern Ireland; or
(b) any body specified in section 23(2) whose functions relate exclusively or mainly to sport in any one of England, Wales or Northern Ireland,
be treated as exercisable in or as regards Scotland and may be exercised separately.”.
- (7) In section 35 of that Act (accounts of distributing bodies) at the end add—
“(8) The functions of the Secretary of State—
(a) under subsection (3) to give directions shall, in so far as they relate to—
(i) any body specified in section 23(1) whose functions exclusively or mainly relate to the arts in Scotland; or
(ii) any body specified in section 23(2) whose functions exclusively or mainly relate to sport in Scotland; and
(b) under subsection (4) to receive copies of the statement shall, in so far as they relate to any body other than—
(i) any body specified in section 23(1) whose functions relate exclusively or mainly to the arts in any one of England, Wales or Northern Ireland; or
(ii) any body specified in section 23(2) whose functions relate exclusively or mainly to sport in any one of England, Wales or Northern Ireland,
be treated as exercisable in or as regards Scotland and may be exercised separately.”.
- (8) In section 39 of that Act (accounts of National Lottery Charities Board) at the end add—
“(6) The function of the Secretary of State under subsection (3) to receive copies of the statement shall be treated as exercisable in or as regards Scotland and may be exercised separately.”.
- (9) In section 43B of that Act (functions of the New Opportunities Fund) at the end add—
“(5) The function of the Secretary of State under subsection (1) to specify initiatives may, in relation to initiatives applying in Scotland only, be exercised separately.”.
- (10) After section 43C(9) of that Act there is inserted—

“Directions to New Opportunities Fund in or as regards Scotland

43CC.—(1) The function of the Secretary of State to give directions under section 43C(1) may be exercised separately.

(2) Directions given to the New Opportunities Fund under section 43C(1) may be made—

- (a) to apply to the whole of the United Kingdom and provide for all matters other than those to be provided specifically for Scotland in accordance with subsection (3); or

(9) Section 43C was inserted by the 1998 Act, section 7(2).

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(b) to apply only to Scotland and provide for the matters specified in subsection (3).

(3) Directions given in accordance with subsection (2)(b) may, as regards any initiative relating to a purpose which does not concern reserved matters, provide for priorities and other matters to be taken into account in determining the projects which may be funded or the arrangements which may be made or entered into to give effect to any initiative applying in Scotland and in determining, conditions of grant for the purpose of specific cases, but may not provide for—

- (a) the total allocation of resources to Scotland or between Scotland and other parts of the United Kingdom; or
- (b) except in relation to any initiative specified in an order made under section 43B which applies only in Scotland, the general conditions subject to which grant is made money is distributed in accordance with directions applying to the whole of the United Kingdom.”.

(11) In section 43D(10) of that Act (accounts of New Opportunities Fund) at the end add—

“(6) The Secretary of State’s function under subsection (3) to receive copies of the statement shall be treated as exercisable in or as regards Scotland and may be exercised separately.”.

(12) In paragraph 2 of Schedule 3A(11) to that Act (joint schemes: supplementary provisions) at the end add—

“(6) The Secretary of State’s functions under sub-paragraphs (1) and (2) shall, in relation to any particular joint scheme applying—

- (a) only in Scotland; or
- (b) in one or more parts of the United Kingdom, including Scotland,

be treated as exercisable in or as regards Scotland and may be exercised separately.”.

Commencement Information

II Sch. para. 15 in force at 1.7.1999 in accordance with, see [art. 1\(1\)](#)

(10) Section 43D was inserted by the 1998 Act, section 7(2).

(11) Schedule 3A was inserted by the 1998 Act, section 12 and Schedule 3.

Changes to legislation:

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