

**CONCORDAT**

**between**

**DEPARTMENT FOR CULTURE, MEDIA AND SPORT**

**and**

**THE SCOTTISH EXECUTIVE**

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## **INTRODUCTION**

1. This concordat sets out the working practices which the Department for Culture, Media and Sport (“DCMS”) and the Scottish Executive will aim to follow in order to ensure a close and effective working relationship. It supplements the Memorandum of Understanding between the Government of the United Kingdom and the Office of the Scottish Executive, as well as the Agreement on the Joint Ministerial Committee the Concordat on Co-ordination of European Union Policy Issues, the Concordat on International Relations, the Concordat on Statistics and the Concordat on Financial Assistance to Industry (all attached at Annex B).

2. This concordat is not intended to constitute a legally enforceable contract or to create any rights or obligations which are legally enforceable. It is intended to be a broad guidance document, binding in honour only, and not an exhaustive text of those issues which might arise.

## **GENERAL LIAISON AND SHARING OF INFORMATION**

3. The Scotland Act 1998 provides for the transfer of Ministerial functions relating to devolved matters in or as regards Scotland to the Scottish Ministers. Ministerial functions relating to reserved matters in Scotland will continue to be exercised by the Secretary of State for Culture, Media and Sport (“the Secretary of State”), unless devolved under an Executive Devolution Order (see paras 20 and 21).

4. Both administrations are committed to the principle of good communications as set out in the Memorandum of Understanding and recognise that good communications systems are essential in order to assist the process of policy formulation and decision-making in each administration and to meet any consultation or other requirements there may be in respect of the exercise of a function. The Secretary of State and the Scottish Ministers therefore agree to keep each other informed of developments in policy and practice in respect of matters within their respective responsibilities, including proposals for legislation and other initiatives, and other issues likely to be of interest to each other. They also recognise that there will be mutual benefit from the exchange of information on scientific, technical and, where appropriate, policy matters.

5. These arrangements will be of general assistance in ensuring that the Secretary of State and the Scottish Ministers are kept in touch with developments affecting matters that are devolved in Scotland. However, the Scottish Ministers recognise the particular need to ensure that the Secretary of State is kept informed of any developments in Scotland which may impact upon his responsibilities in reserved areas. Similarly, the Secretary of State also recognises the need to keep the Scottish Ministers informed of developments in respect of reserved matters that may impact upon their devolved responsibilities.

6. The Secretary of State and the Scottish Ministers accordingly undertake to:
- i. share information and analysis, where this would be of mutual benefit;
  - ii. inform each other of any relevant information which comes to their attention and which may affect the work of the other party;
  - iii. seek to involve each other at the earliest stages of policy formation on all topics where there is a reasonable expectation that a policy initiative might be extended to cover, or might affect, the other's responsibilities;
  - iv. inform each other at the earliest practicable stage of any proposal to change primary or secondary legislation which has potential implications for the other's responsibilities, and to highlight these implications;
  - v. inform each other at the earliest practicable stage of substantive new policy announcements which may be relevant to the other's responsibilities; and
  - vi. ensure that both parties are kept abreast of developments in policy, practice and legislation, including discussions with third parties, in areas where there is, or could be, an interface.

## **SPECIFIC FUNCTIONS WHERE RESPONSIBILITY IS DEVOLVED**

### **Architecture**

7. DCMS will be responsible for sponsoring the Commission for Architecture and the Built Environment, which will act in England as a Champion for Architecture. This body and Scottish architectural bodies will be encouraged to co-operate with each other in formulating policies and exchanging information.

### **The Arts**

8. DCMS and the Office of the Scottish Executive will encourage the Arts Councils of England and Scotland to co-operate on questions relating to the joint funding of arts bodies engaged in cross-border activities, and joint arts initiatives.

## **Libraries and Archives**

9. DCMS will be responsible for sponsoring the British Library, the Library and Information Commission (LIC), and Royal Commission on Historical Manuscripts. DCMS and the Office of the Scottish Executive will encourage their respective bodies to seek to ensure that:

- (i) the British Library, as the national library of the United Kingdom, continues to co-operate with the National Library of Scotland, and library authorities and professional organisations in Scotland;
- (ii) the Library and Information Commission (and its successor MLAC - see paragraph 14 below) co-operates with appropriate bodies in Scotland on research, international issues, and IT networking of the public libraries;
- (iii) the Royal Commission on Historical Manuscripts continues to collaborate with the National Archives of Scotland.

## **Cultural Heritage**

10. Museums & Galleries Commission (MGC): The Museums & Galleries Commission, which has a UK remit under its Royal Charter, will - subject to any future decision of the Scottish Parliament - continue to operate on this basis in co-operation with the appropriate national authorities. The Area Museums Councils in England and Scotland will be encouraged by their national sponsoring bodies to co-operate in UK-wide and cross-border activities and initiatives.

11. Underwater archaeology: DCMS will act as secretariat to the Advisory Committee on Historic Wreck Sites (ACHWS), appoint ACHWS members, and manage and fund the contract with the Archaeological Diving Unit (ADU). Both the ACHWS and the ADU will provide advice to the Scottish administration.

12. World Heritage Sites: In accordance with the agreed roles of UK and Scottish Ministers in respect of international responsibilities, set out in the International concordat, the Secretary of State will be responsible for the UK Government's overall policy on World Heritage Sites and exercise a co-ordinating role in its relationship with UNESCO on this issue. Within this overall policy Scottish Ministers will, however, continue to be responsible for identifying and nominating individual Sites within Scotland, and for dealing with issues which may arise about the proper management of those sites. DCMS will chair regular meetings to discuss World Heritage issues of mutual concern.

13. National Heritage Memorial Fund: Aside from its role as a Lottery distributor, the NHMF will continue to serve as a fund of last resort for the support of cultural and

natural heritage projects throughout the United Kingdom, in respect of which it receives grant-in-aid from DCMS.

14. A new body called the Museums, Libraries and Archives Commission (MLAC) which is being established to take over the functions of the LIC and MGC, will link with Scotland in the same way as indicated for the LIC and MGC in this concordat.

## **Sport**

15. The Scottish Minister with responsibility for sport will be a member of the UK "Sports Cabinet". The "Sports Cabinet" will continue to be chaired by the Secretary of State and will continue to operate on the basis agreed at its first meeting on 26 November 1998. DCMS will continue to provide the Secretariat for the Cabinet and take the lead in liaison at official level with Scotland. Some meetings of the Sports Cabinet will be held outside London.

16. DCMS will ensure that the United Kingdom Sports Council provides to the Scottish Minister with responsibility for sport, for his information, copies of papers prepared for meetings of the UKSC.

17. DCMS will chair joint meetings with officials from the devolved administrations at least twice a year.

## **Tourism**

18. DCMS will be responsible for sponsoring the British Tourist Authority (BTA), including target-setting and other aspects of the funding agreements between DCMS and the BTA. DCMS will continue to encourage the BTA to work closely with the Scottish Tourist Board. Such co-operation will include the production of joint overseas marketing plans. Joint meetings between officials from DCMS and the Office of the Scottish Executive will be held on a regular basis.

## **Film**

19. DCMS officials will liaise closely with the Office of the Scottish Executive on film policy matters. A new body to be called the Film Council will be established to develop and implement DCMS film strategy and to disburse grant-in-aid for film and the Lottery film funding currently under the Arts Council of England. The new body will be required to establish close working relationships with equivalent bodies in Scotland, in particular in respect of activities that have UK-wide coverage.

## **SPECIFIC FUNCTIONS WHERE RESPONSIBILITY IS RESERVED**

### **The National Lottery**

20. This is a reserved matter falling within the wider reservation of Betting, Gaming and Lotteries. It is accepted however that the distribution of Lottery funds will impact on devolved areas of responsibility, and it is therefore appropriate for the Office of the Scottish Executive to have an input on how these monies are spent, and on certain appointments to distributor bodies. Arrangements are set out in the Executive Devolution Order and at Annex A.

### **Broadcasting**

21. The subject matter of the Broadcasting Acts of 1990 and 1996 and the British Broadcasting Corporation are reserved matters. The ITC, Radio Authority, Broadcasting Standards Commission and the BBC will however make their Annual Reports available to the Scottish Parliament for information and to facilitate debate. The arrangements are set out in the Executive Devolution Order. Scottish Ministers will be consulted about appointments to broadcasting bodies to represent the Scottish interest.

### **Public Lending Right**

22. The Public Lending Right Act 1979 established the PLR Scheme which provides for registered authors to receive payments in proportion to the number of times their books are lent from a rotating sample of 30 UK public library authorities, covering 250 sites. The Public Lending Right Scheme, administered by the Registrar of Public Lending Right, will continue its links with library authorities in Scotland. DCMS will give prior notice to the Office of the Scottish Executive of its intention to consult representatives of authors, library authorities and others likely to be affected on changes to the Scheme.

### **Export of Works of Art**

23. Pre-devolution arrangements will be maintained. DCMS will continue to be responsible for issuing and authorising export licences for all cultural objects located within the UK. The Office of the Scottish Executive and the appropriate Scottish organisations will continue to be members of the Advisory Council on the Export of Works of Art.

### **Government Indemnity Scheme**

24. Pre-devolution arrangements will be maintained for national and non-national institutions. DCMS will issue and authorise indemnities for all English national institutions, and the Office of the Scottish Executive for national institutions in Scotland. Indemnities for local authority or independent museums and galleries will be issued by the MGC for authorisation by DCMS or the Executive as appropriate.

## **Acceptance in Lieu**

25. Pre-devolution arrangements will be maintained. The MGC will co-ordinate expert advice on the pre-eminence, condition and valuation of works of art and recommend acceptance or rejection of offers in lieu of tax to the Secretary of State and, where applicable, to the Scottish Ministers. Land and buildings cases will be administered direct by the Secretary of State or the Scottish Ministers as appropriate

## **Statistics**

26. The general framework for co-operation agreed among the UK Government and devolved administration on all matters in relation to statistics will apply in respect of all statistics that are relevant to the policy areas in which DCMS has an interest. These areas, in broad terms, are:

- the compilation of UK tourism statistics, specifically to ensure continued UK compliance with the EU Directive on Tourism Statistics and with other international commitments;
- the maintenance and development of statistics on participation in sport to meet policy needs, including meaningful comparisons between the UK and other countries;
- the development of cultural statistics (covering access and participation, facilities and funding, employment and economic value), including meaningful comparisons between the UK and other European countries (eg as specified in EU Council Decisions);
- statistics on the creative industries across the UK.

27. Appropriate arrangements will be maintained in order to manage UK-wide surveys, statistical collections and databases, and information about statistical sources (including on StatBase).

## **EU and International Issues**

28. DCMS and the Office of the Scottish Executive will keep each other informed of any EU, Council of Europe, UNESCO or other international meetings due to take place at which the UK should or may be represented, either at 'expert', official or Ministerial level.

29. DCMS officials will chair six-monthly meetings involving officials from the devolved administrations to keep each other fully informed of international cultural

developments. The Office of the Scottish Executive will liaise with the appropriate DCMS Divisions on a regular basis about the Scottish Executive's interest and participation in EU business.

#### **APPOINTMENTS TO PUBLIC BODIES**

30. There are a number of public bodies, one or more of whose members have in the past been appointed by, or on the advice of, the Secretary of State after consultation with the Secretary of State for Scotland.

31. These bodies are listed in the table in paragraph 35. DCMS will liaise with the Scottish Executive keeping them informed of developments on these appointments, offering the opportunity for comment and inviting nominations where appropriate.

32. In terms of devolution to Scotland, some of those bodies are concerned only with reserved matters. These are bodies concerned with broadcasting or the National Lottery. In those cases functions remain with the Secretary of State except where they are devolved executively to the Scottish Ministers. Appointments in some cases will be an executively devolved function. There are separate arrangements for dealing with appointments to the lottery bodies and these are set out in Annex A.

33. Other bodies are concerned with devolved matters as well as other matters (i.e. reserved matters and/or other matters beyond the interests of Scotland). Section 88 of the Scotland Act 1998 allows the designation by order of such bodies as cross border public authorities. The effect of this is to disapply the transfer of devolved functions to the Scottish Ministers while giving them particular rights (e.g. to be consulted on all appointments to those bodies). This position can be modified by an Order in Council under Section 89 of the Act and the intention is generally to use these powers to maintain the pre-devolution position.

34. Appointments to DCMS sponsored bodies listed under Section 88 of the Scotland Act which appear in the table at paragraph 35 reflect the agreed consultation arrangements for these bodies, rather than the default arrangement as described in paragraph 33. These will be reflected in an Order in Council under Section 89 of the Scotland Act, to be put in place as soon as possible.

<b>35. Body</b>	<b>Posts Where Consultation Will Take Place</b>
Advisory Committee on Historic Wreck Sites	All
Architectural Heritage Fund	2
British Broadcasting Corporation	1
British Library	1
Broadcasting Standards Commission	1

British Tourist Authority		All
Independent Television Commission	1	
National Endowment for Science, Technology and the Arts		1
National Film and Television School	2	
National Heritage Memorial Fund		Chairman and 1 member
National Lottery Charities Board		3
New Opportunities Fund		1
Radio Authority		1
Royal Commission on Historical Manuscripts		1
Theatres Trust		1
UK Sports Council		All

## **DISPUTE RESOLUTION**

36. Officials will endeavour to follow the procedures set out in this concordat, together with the Memorandum of Understanding and the overarching concordats on Co-ordination of European Union Policy Issues, International Relations, Statistics and Financial Assistance to Industry. If officers of one administration are not satisfied that the other party has properly complied with the terms of this concordat, they shall initially seek to resolve this matter between officials, including, if necessary, at Permanent Secretary level. If deemed appropriate, a meeting of the concordat review committee (see paragraph 38) may be convened. If the complainants are not satisfied that the issue has been satisfactorily resolved, this may then be raised, in writing, at Ministerial level.

37. If a dispute between DCMS and the Office of the Scottish Executive cannot be resolved bilaterally it will be open to either party to call for a meeting of the Joint Ministerial Committee (JMC) details of which are set out at annex B.

## **REVIEW OF CONCORDAT AND BILATERAL RELATIONS**

38. The procedures set out in this concordat shall be regularly reviewed and, where appropriate and agreed jointly by both administrations, amended (for instance, to take account of new bodies to be created following DCMS's departmental spending review). In order to carry out this function a review committee shall be established, consisting of senior officials from each administration. The committee shall be chaired by DCMS, who will also be responsible for providing a committee secretary and hosting the meetings of the committee. The committee shall meet no less than once a year, but may be convened more frequently with the consent of the chairman.

39. The committee will also have a wider role for considering bilateral relations in general.

**Signed on behalf of DCMS:**

**[Brian Leonard]**

**Date:**

**Signed on behalf of the Office of the Scottish Executive:**

**[John Elvidge]**

**Date:**

## **NATIONAL LOTTERY: INVOLVEMENT OF THE SCOTTISH MINISTERS FOLLOWING DEVOLUTION**

**Note by the Department for Culture, Media and Sport and the Scottish Executive.**

### Background

1. The question of the involvement of Scottish Ministers in the distribution of the proceeds of the National Lottery in Scotland after devolution was discussed during the passage of the Bills which became the National Lottery Act 1998 and the Scotland Act 1998. This Annex sets out in detail Government policy in this area. This has been given effect by orders made under various powers contained in the Scotland Act 1998.

### General Principles

2. The Government believe that a single National Lottery offers the best prospects of the highest returns to good causes for the benefit of all parts of the United Kingdom. If there is to be a single Lottery operation, with full flexibility for the allocation of funding to priority initiatives and projects, it follows that funds for good causes need to continue to be paid into and flow out of a single National Lottery Distribution Fund (NLDF). The Government recognise equally, however, that the administration of Lottery distribution has very significant implications for policy areas which after devolution are the responsibility of the Scottish Ministers.

3. The Scottish Ministers will exercise the same powers in relation to the Lottery functions of the Scottish Arts Council (SAC) and **sportscotland** as were previously exercised by the Secretary of State for Scotland. The Scottish Ministers will have power to make directions and take other decisions about the Scottish operations of the UK-wide distributing bodies, inasmuch as these operations relate to devolved policy areas. They will also be consulted on, and as appropriate their consent will be required to, the appointments of the members of these bodies who are particularly concerned with Scotland. These provisions will apply, with necessary adaptations, to the National Lottery Charities Board (NLCB), the National Heritage Memorial Fund (NHMF) and the New Opportunities Fund (NOF), but not to the Millennium Commission: that body has now completed the main part of its work and it is not anticipated that any further major directions will be given to it. In order to preserve the overall UK-wide administration of the Lottery, Scottish Ministers will not have power to make decisions on the allocation of resources between Scotland and other parts of the United Kingdom, or on the general principles of the administration of Lottery funding as against the purposes to be achieved by particular initiatives or

schemes. These arrangements protect the position of the DCMS Permanent Secretary as Accounting Officer for the NLDF. Scottish Ministers, in common with UK Ministers with relevant interests, will nevertheless be consulted by the Secretary of State on the exercise of his powers in these areas.

4. The following paragraphs set out the arrangements in more detail.

#### Appointments

5. The position on appointments to Lottery distributing bodies varies according to the nature of each body. The **Scottish Arts Council** (SAC) and **sportscotland** are Scotland-only bodies with grant-in-aid as well as Lottery functions. Responsibility for the appointment of members to each Council is transferred from the Secretary of State for Scotland to the Scottish Ministers. The **National Heritage Memorial Fund** (NHMF) is a UK-wide body with both Lottery and non-Lottery functions. Appointments as Trustees of the Fund are a matter for the Prime Minister, and remain so after devolution. The Trustees are required to include persons who are connected by residence or otherwise with England, Wales, Scotland and Northern Ireland respectively. At present one such "Scottish trustee" is appointed, and as a matter of administrative practice the appointment has been subject to consultation with the Secretary of State for Scotland. This consultation will now be undertaken with the Scottish Ministers.

6. The **National Lottery Charities Board** (NLCB) and the **New Opportunities Fund** (NOF) only have Lottery distribution functions. In both cases their membership includes Scottish representation, but this is provided for in slightly different ways. All members of NLCB are appointed by the Secretary of State, and the Board itself is required to establish four committees to determine applications from England, Scotland, Wales and Northern Ireland respectively. There is not therefore a separate statutory category of members of the Scotland Committee, whose numbers may vary from time to time. As a matter of administrative practice, however, the appointments of those members who are expected to be appointed to the Scotland Committee have been subject to consultation with the Secretary of State for Scotland and the appointments have been made with his agreement and generally on his nomination. These appointments are now administratively subject to consultation with the Scottish Ministers, from whom nominations will be invited. The Secretary of State has undertaken that in future such appointments will normally be made on the nomination of the Scottish Ministers.

7. The structure of NOF is rather different, in that four members of the Fund are required to be persons suited to make the interests of England, Scotland, Wales and Northern Ireland, respectively, their special care. In view of the high levels of funding to be channelled in future through NOF, and the consequential importance of the statutory appointment of the member charged with representing Scottish interests, the

appointment of that member by the Secretary of State should require the consent of the Scottish Ministers. Again, in practice the Scottish Ministers will be consulted and the appointment will normally be made on their nomination.

### Control of Lottery Distribution

8. Section 26(1) and (2) of the National Lottery etc. Act 1993 ("the 1993 Act") allows the Secretary of State to issue **policy directions** to Lottery distributors. In relation to SAC and **sportscotland**, this power was previously exercised by the Secretary of State for Scotland. The power has been transferred directly to the Scottish Ministers and is exercisable by them subject to consultation with the Secretary of State.

9. In relation to NLCB, NHMF and NOF the powers to issue policy directions have been exercised by the Secretary of State, after consultation as appropriate with other UK Ministers including the Secretary of State for Scotland. The same applies to the powers under s.43B(1) of the 1993 Act, inserted by the National Lottery Act 1998 ("the 1998 Act") to specify initiatives to be funded by NOF, and under s.43C(1) of the 1993 Act to give binding policy directions to NOF. The powers have been split to allow the Scottish Ministers to exercise them inasmuch as they impinge on devolved matters. In order to avoid unintended inconsistencies in the exercise of the split powers, their use by the Secretary of State on the one hand is subject to consultation with the Scottish Ministers and their use by the Scottish Ministers, on the other, is subject to the agreement of the Secretary of State. In addition, the exercise by the Scottish Ministers of the powers to specify initiatives applying only in Scotland is subject to the consent of the Secretary of State, in order to avoid the theoretical position whereby an initiative could be specified without the accompanying funding being made available. Any use of any of these powers is also, as previously, subject to consultation with the body to whom the directions are to be issued.

10. The scope of the split, with examples of the kinds of direction which might be involved, is set out in the table below:

Scottish Ministers <b>are</b> able to make directions which require distributors to take into account the desirability of achieving particular objectives for devolved policy areas, including giving priority to particular categories of recipients, to recipients in particular parts of Scotland, or to Scottish Ministers' policy objectives. In the case of a NOF initiative applying only in Scotland, Scottish Ministers are able to make the	Scottish Ministers <b>are not</b> able to make directions which require distributors to take into account matters relating to the allocation of resources between Scotland and other parts of the United Kingdom, or those relating to the administration of Lottery funding in general, rather than in relation to the purposes to be achieved by particular initiatives or programmes.
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order specifying the initiative, and to make directions on any matter except the amount of money to be allocated to the initiative in total.

*Note: **sportscotland** directs Lottery funding to sport in Scotland. The policy and practice of the UK Sports Council will be to treat the United Kingdom as a whole. Scottish Ministers will not therefore be able to make directions which either specify individual initiatives for Scotland or require it to take into account matters relating to the allocation of its resources between Scotland and other parts of the UK.*

Examples:-

- how far to give priority to areas suffering from different kinds of deprivation;
- how far to give priority to particular geographic areas, or to urban or rural areas;
- how far (subject to legislation on equal treatment) to give priority to different kinds of recipient or beneficiary, eg charities, children, elderly people;
- policy objectives of the Scottish Ministers in devolved areas other than those with which the good causes are directly concerned;
- policy objectives of the Scottish Ministers for areas with which the good causes are concerned, eg for the heritage, the development of the voluntary sector, or health, education or environmental policy objectives closely related to particular NOF initiatives;

Examples:-

- allocation of resources to Scotland, or between Scotland and the other parts of the United Kingdom.

*Except for a NOF initiative applying only in Scotland:*

- matters of general eligibility, eg the ability of any project falling within the good cause to apply for Lottery funds;
- the types of expenditure for which Lottery funding may be awarded, eg capital, revenue, time-limited or ongoing;
- the framework within which the partnership funding requirements should be set;
- co-operation with other organisations, or specification of where information or advice should be obtained before decisions are made (across the whole of the body's activities);
- matters to be taken into account in

<p>- co-operation with other organisations, or specification of where information or advice should be obtained before decisions are made (for specific kinds of grants).</p>	<p>decisions on whether to use powers of solicitation;</p> <p>- financial viability of applicants, during the period of the grant and beyond.</p>
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11. The power to issue **financial and accounts directions** to distributing bodies under ss.26(3) and 35(3) of the 1993 Act generally remains with the Secretary of State, because these directions relate to matters of financial accountability and propriety which impinge directly on DCMS's Accounting Officer responsibility for the NLDF. In the cases of SAC and **sportscotland**, however, these directions were previously issued by the Secretary of State for Scotland. This function has therefore passed to the Scottish Ministers, with a requirement for the consent of the Secretary of State, because of DCMS's Accounting Officer responsibility.

12. The Secretary of State may make **orders under s.27(1), (2) and (8)** of the 1993 Act to prohibit a distributing body from awarding money to any organisation which is a company of which the body is a member, or over which it has material control or influence. In practice this power has not yet been used: if, however, a case had arisen in relation to SAC or **sportscotland**, it would have been exercised by the Secretary of State for Scotland. The power in respect of these bodies has therefore transferred to the Scottish Ministers.

13. The Secretary of State may make **orders under s.28** of the 1993 Act to vary the percentages of Lottery funding allocated to each of the good causes. This allocation determines the structure of Lottery distribution and is therefore central to general Lottery policy. The power therefore continues to be exercised by the Secretary of State, who previously consulted other UK Ministers as appropriate, and is now required to consult the Scottish Ministers on the allocations he proposes.

14. The Secretary of State may make **orders under s.29** of the 1993 Act to substitute, add or remove distributing bodies, and to vary the percentages allocated within each good cause. Any variation in the arts or sport percentages among the countries of the UK would be a matter for the Secretary of State, but any such change affecting the percentages for SAC or **sportscotland** will be subject to the consent of the Scottish Ministers. The Scottish Ministers will also be consulted about changes to UK distributors. Within the Scottish arts and sport percentages, the functions of changing distributors, and allocating percentages among them, has passed to the Scottish Ministers.

15. Section 25A of the 1993 Act, inserted by the 1998 Act, gives distributing bodies

power to **delegate their functions**. This is subject to the power of the Secretary of State in s.26(3A) to issue directions about delegation. It is proposed that in relation to SAC and **sportscotland** this power has passed to Scottish Ministers, but is to be exercised with the consent of the Secretary of State, since the directions might well contain provisions on the financial status of delegates which would have direct implications for DCMS' Accounting Officer responsibilities. The Secretary of State is required to consult the Scottish Ministers on the directions on delegation he gives to UK distributing bodies.

16. Section 25B of the 1993 Act, inserted by the 1998 Act, provides for **joint schemes** to be set up by distributing bodies. Schemes to distribute a total amount up to a prescribed value (at present £15m) require the written approval of the Secretary of State: schemes above that value require the Secretary of State to make an order, subject to the negative resolution procedure in Parliament, authorising the scheme. In the case of joint schemes applying only in Scotland the powers of the Secretary of State have passed to the Scottish Ministers, with scrutiny by the Scottish Parliament as appropriate, and subject to consultation with the Secretary of State. Consultation with the Scottish Ministers is required before the Secretary of State approves or authorises any scheme applying in Scotland as well as elsewhere in the United Kingdom.

17. Section 25C of the 1993 Act, inserted by the 1998 Act, requires distributing bodies to prepare **strategic plans** if instructed by the Secretary of State to do so. The plans are subject to consultation with the Secretary of State, who is required to lay a copy of the final plans before Parliament. The Secretary of State's power to require SAC and **sportscotland** to prepare plans, and to be consulted on them, have transferred to the Scottish Ministers, and they, as well as the Secretary of State, will be consulted on the plans of UK distributors operating in Scotland. The Scottish Ministers are also required to lay the plans of all these distributors before the Scottish Parliament.

### Reports and Accounts

18. The Annual Reports and Accounts of all the Scottish and UK Lottery distributors (apart from the Millennium Commission), and the Annual Report of the National Lottery Commission, are required to be sent to the Scottish Ministers. Arrangements will also be made to ensure that the Scottish Ministers also receive a copy of the Report and Accounts of the Millennium Commission. These reports and accounts will be laid before the Scottish Parliament as well as before the Westminster Parliament.