



# Exchequer and Financial Provisions Act (Northern Ireland) 1950

## 1950 CHAPTER 3

### PART III

#### PROVISIONS AS TO EXCHEQUER FUNDS, ETC.

#### **20 Construction of references to Consolidated Fund.**

- (1) Every reference in any enactment passed before the commencement of this Act to the “Consolidated Fund or the growing produce thereof” shall in so far as it applies to the Consolidated Fund of Northern Ireland be construed as if the words “or the growing produce thereof” were omitted therefrom.

*Subs. (2) rep. by 1956 c. 17 (NI); subs. (3) rep. by 1954 c. 33 (NI)*

*S. 21 rep. by 1986 NI 19*

*Ss. 22#24 rep. by 1998 NI 4*

*S. 25 rep. by 1983 NI 1*

*S. 26 rep. by 1978 NI 11*

*S. 27 rep. by 1986 NI 19*

#### **28 Church Temporalities.**

- (1) All moneys arising from the apportionment to the Government of Northern Ireland under section thirty-one of the Government of Ireland Act, 1920, of revenues derived from land, or any interest in land, shall so far as they are of the nature of annual income, and after making such adjustments by way of repayment or otherwise as may be required, be paid into the<sup>[F1]</sup> Consolidated Fund] as part of the public income.
- (2) All moneys arising from time to time from the redemption of any mortgage or charge belonging and apportioned to the Government of Northern Ireland as aforesaid or from

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the sale of any land or interest in land so belonging and apportioned shall be paid<sup>[F2]</sup> into the Consolidated Fund as capital receipts].

**Annotations:**

- F1 2001 c. 6 (NI)  
 F2 1986 NI 19

**29 Power to provide against loss of capital.**

- (1) In the exercise of its powers under this Act with respect to the investment, accumulation, and application of any fund the Ministry may from time to time make provision, whether out of the income of that fund or out of any profit resulting from the sale or redemption of any investment made in connection therewith or in such other manner and to such an extent as it may think fit, for any loss of capital which has occurred or which in the opinion of the Ministry is likely to occur on the realisation or redemption of any investments held by it for the purposes of any such fund and any provision so made shall be shown in the accounts of the fund to which it relates.
- (2) Any enactment (whether passed before or after this Act, and including this Act) which authorises sums to be charged on and issued out of the Consolidated Fund to any such fund as aforesaid shall have effect so as to authorise the charge on and issue out of the said Consolidated Fund of such amounts as the Ministry may determine to be necessary for the purpose of making such provision.

**30 Investment of Government funds.**

Where at any time the Ministry, in the exercise of its powers of investing moneys belonging to any fund under its control, directs or has directed that such moneys shall be invested by and in the name of the<sup>[F3]</sup> Head of Legal Services], then—

- (a) the realisation of such investment and any other dealing with, or transaction arising out of, such investment shall,<sup>[F3]</sup> be carried out by the Head of Legal Services subject to the direction and control of the Department];
- (b) such investment shall, on the death, resignation or removal from office of any person being the<sup>[F3]</sup> Head of Legal Services], vest by virtue of this section in his successor as<sup>[F3]</sup> Head of Legal Services], and shall not, in the event of such death, constitute assets of the deceased or be (except for the purposes of this provision) subject to the control of his legal representatives.

**Annotations:**

- F3 1991 NI 6

**<sup>[F4]</sup>31 Power to make temporary advances to Government funds.**

- (1) The Ministry of Finance may from time to time as it thinks fit temporarily advance from the Consolidated Fund to any Government fund such sums as appear to it to be required for the purpose of making any payments to be made out of such Government fund.
- (2) The Ministry may borrow money for the purpose of providing for issues from the Consolidated Fund under this section.

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- (3) Any sums advanced in any financial year under this section to a Government fund shall be charged on that fund and shall before the end of that year be repaid out of that fund to the<sup>F5</sup> Consolidated Fund] together with interest at such rate as the Ministry may determine.
- (4) The powers conferred by this section shall be in addition to and not in derogation of the powers conferred by an enactment (whether passed before or after this Act and including this Act) to issue sums from the Consolidated Fund to any Government fund.
- (5) In this section the expression “Government fund” means any fund<sup>F6</sup> which is under the control of] any department of the Government of Northern Ireland<sup>F6</sup> in pursuance of any enactment].]

**Annotations:**

- F4** 1952 c.13 (NI)  
**F5** 2001 c. 6 (NI)  
**F6** 1991 NI 6

*S. 32 rep. by 1955 c. 6 (NI); 1956 c. 17 (NI); 1970 c. 9 (NI)*

**33 Provision for the charging of capital expenditure on voluntary schools.**

- (1) There shall be charged on and issued out of the Consolidated Fund or (if the Ministry so directs) out of moneys provided by Parliament, the amount of any payments<sup>F7</sup>. . . by the Ministry of Education for the purpose of the provision, equipment, alteration, enlargement or reconstruction of voluntary schools<sup>F8</sup> under Article 116 of the Education and Libraries (Northern Ireland) Order 1986<sup>F9</sup> or grant# maintained integrated schools under Article 77(8) of the Education Reform (Northern Ireland) Order 1989], or any payment by that Department to [<sup>F10</sup>the Education Authority under paragraph 13 of Schedule 1 to the Education Act (Northern Ireland) 2014] for the purpose of meeting expenses incurred in connection with any permanent works the costs of which is properly chargeable to capital or for any other purpose for which capital moneys may properly be applied, so, however], that the aggregate of the sums to be charged on and issued out of the Consolidated Fund under this sub-section shall not. . . exceed [<sup>F11</sup> ninety-eight million pounds]].
- (2) The Ministry may borrow money for the purpose of providing. . . for issues out of the Consolidated Fund<sup>F7</sup> under] the preceding sub-section.
- (3) Moneys borrowed<sup>F7</sup> under] the preceding sub-section shall be repaid within any period or periods not exceeding twenty-five years from the date of borrowing, and<sup>F7</sup> provision for such repayment may be made] out of moneys provided by Parliament  
...<sup>F12</sup>

**Annotations:**

- F7** 1991 NI 6  
**F8** 1986 NI 3  
**F9** 1989 NI 20  
**F10** Words in s. 33(1) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 3** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)  
**F11** 1974 c.2 (NI)  
**F12** 1955 c.6 (NI)

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**[<sup>F13</sup>33A Provision for the charging of capital expenditure required for accommodation of public services.**

- (1) There shall be charged on and issued out of the Consolidated Fund or (if the Ministry so directs) out of moneys provided by Parliament, such sums as the Ministry may determine to be necessary for the acquisition of land and buildings or of any estate or interest therein for the accommodation of any public service of the Government of Northern Ireland, or the erection, improvement, alteration, enlargement, furnishing, or equipment of buildings used or to be used for that purpose, so, however, that the aggregate of the sums to be charged on and issued out of the Consolidated Fund under this sub-section shall not<sup>F14</sup> . . . exceed [<sup>F15</sup> sixty million pounds].
- (2) The Ministry may borrow money for the purpose of providing for issues out of the Consolidated Fund under the preceding sub-section.
- (3) Moneys borrowed under the last preceding sub-section shall be repaid within any period or periods not exceeding twenty-five years from the date of borrowing, and provision for such repayment may be made out of moneys provided by Parliament.
- <sup>F16</sup>(4) The provisions of sub-section (1) of this section shall be in addition to and not in derogation of the provisions of any enactment (whether passed before or after this Act and including this Act) under which separate provision is made in respect of any public service of the Government of Northern Ireland for the issue out of the Consolidated Fund of such sums as the Ministry may determine to be necessary, in connection with that public service, for purposes corresponding to the purposes of this section.]

**Annotations:**

- F13** 1955 c.6 (NI)  
**F14** 1991 NI 6  
**F15** 1974 c.2 (NI)  
**F16** 1956 c.17 (NI)

*S. 33AA rep. by 1998 NI 4*

*S. 33B rep. by 1970 c. 1 (NI)*

*S. 33C rep. by 1974 NI 4*

*S. 34 rep. by 1987 c. 48*

**35 Thiepval War Memorial Fund.**

Whereas by the Appropriation (No. 2) Act (Northern Ireland), 1928<sup>M1</sup>, a sum was granted out of the Consolidated Fund and appropriated for the purpose of expenditure in connection with the maintenance of the Thiepval War Memorial, otherwise known as the 36th (Ulster) Division Memorial, Thiepval (which Memorial, with the land forming part thereof, is in this section referred to as “the said Memorial”):

And whereas out of the said sum a fund, called the Thiepval Memorial Fund, was created by the Ministry for the purpose of providing in perpetuity for the maintenance of the said Memorial:

And whereas by an agreement dated the nineteenth day of July, nineteen hundred and thirty-five, the Thiepval Memorial Fund was transferred by the Ministry to the Imperial War Graves Commission (incorporated by Royal Charter dated the twenty-

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first day of May, nineteen hundred and seventeen) for the said Commission to hold and to employ the income from time to time derived therefrom for the purpose of the maintenance of the said Memorial:

Therefore the following provision shall have effect—

[<sup>F17</sup> In the event of the income from the Thiepval Memorial Fund proving insufficient to meet the cost of the maintenance, improvement, alteration, furnishing or equipment of the said Memorial, there shall be charged on and issued out of the Consolidated Fund, and paid from time to time to the Commission, such sums as may be determined by the Ministry, after consultation with the said Commission, to be necessary for those purposes.]

**Annotations:**

**F17** 1956 c.17 (NI)

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**Marginal Citations**

**M1** 1928 c. 28

**Changes to legislation:**

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