



# International Development Act 2002

## 2002 CHAPTER 1

### PART 1

#### ASSISTANCE

##### *Provision of assistance*

#### **1 Development assistance**

(1) The [<sup>F1</sup>Minister] may provide any person or body with development assistance if [<sup>F2</sup>the Minister] is satisfied that the provision of the assistance is likely to contribute to a reduction in poverty.

[<sup>F3</sup>(1A) Before providing development assistance under subsection (1), the [<sup>F4</sup>Minister] shall have regard to the desirability of providing development assistance that is likely to contribute to reducing poverty in a way which is likely to contribute to reducing inequality between persons of different gender.]

(2) In this Act “development assistance” means assistance provided for the purpose of—  
(a) furthering sustainable development in one or more countries outside the United Kingdom, or  
(b) improving the welfare of the population of one or more such countries.

(3) For the purposes of subsection (2)(a) “sustainable development” includes any development that is, in the opinion of the [<sup>F5</sup>Minister], prudent having regard to the likelihood of its generating lasting benefits for the population of the country or countries in relation to which it is provided.

[<sup>F6</sup>(4) In this Act, “the Minister” means the Secretary of State or the Treasury.]

#### **Textual Amendments**

**F1** Word in s. 1(1) substituted (10.1.2018) by [The Transfer of Functions \(International Development\) Order 2017 \(S.I. 2017/1283\)](#), art. 1(2), [Sch. para. 3\(2\)\(a\)](#) (with art. 3)

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- F2** Words in s. 1(1) substituted (10.1.2018) by [The Transfer of Functions \(International Development\) Order 2017 \(S.I. 2017/1283\)](#), art. 1(2), **Sch. para. 3(2)(b)** (with art. 3)
- F3** S. 1(1A) inserted (13.5.2014) by [International Development \(Gender Equality\) Act 2014 \(c. 9\)](#), **ss. 1(2), 3(2)** (with s. 1(4))
- F4** Word in s. 1(1A) substituted (10.1.2018) by [The Transfer of Functions \(International Development\) Order 2017 \(S.I. 2017/1283\)](#), art. 1(2), **Sch. para. 3(3)** (with art. 3)
- F5** Word in s. 1(3) substituted (10.1.2018) by [The Transfer of Functions \(International Development\) Order 2017 \(S.I. 2017/1283\)](#), art. 1(2), **Sch. para. 3(4)** (with art. 3)
- F6** S. 1(4) inserted (10.1.2018) by [The Transfer of Functions \(International Development\) Order 2017 \(S.I. 2017/1283\)](#), art. 1(2), **Sch. para. 3(5)** (with art. 3)

## 2 Development assistance for British overseas territories

The Secretary of State may also provide any person or body with development assistance in a case where the requirement of section 1(1) is not met, if the assistance is provided in relation to one or more of the territories for the time being mentioned in Schedule 6 to the British Nationality Act 1981 (c. 61) (British overseas territories).

## 3 Humanitarian assistance

[<sup>F7</sup>(1)] The Secretary of State may provide any person or body with assistance for the purpose of alleviating the effects of a natural or man-made disaster or other emergency on the population of one or more countries outside the United Kingdom.

[<sup>F8</sup>(2) Before providing assistance under subsection (1), the Secretary of State shall have regard to the desirability of providing assistance under that subsection in a way that takes account of any gender-related differences in the needs of those affected by the disaster or emergency.]

### Textual Amendments

- F7** S. 3(1): s. 3 renumbered as s. 3(1) (13.5.2014) by [International Development \(Gender Equality\) Act 2014 \(c. 9\)](#), **ss. 1(3), 3(2)** (with s. 1(4))
- F8** S. 3(2) inserted (13.5.2014) by [International Development \(Gender Equality\) Act 2014 \(c. 9\)](#), **ss. 1(3), 3(2)** (with s. 1(4))

## 4 Supplementary powers

(1) The [<sup>F9</sup>Minister] may with a view to preparing for or facilitating the exercise of [<sup>F10</sup>the applicable powers]—

- (a) enter into arrangements with any person or body (including arrangements to provide assistance), or
- (b) carry on any other activities.

[<sup>F11</sup>(1A) In subsection (1) “the applicable powers” means—

- (a) where the Minister is the Secretary of State, the powers under section 1, 2 or 3, and
- (b) where the Minister is the Treasury, the power under section 1.]

(2) The [<sup>F12</sup>Minister] may—

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- (a) support, by way of subscription or otherwise, any organisation that exists (wholly or partly) for one or more relevant purposes,
  - (b) contribute to any fund that is intended to be used (wholly or partly) for one or more relevant purposes, or
  - (c) promote, or assist any person or body to promote, awareness of global poverty and of the means of reducing such poverty,
- if <sup>F13</sup>the Minister] is satisfied that to do so is likely to contribute to a reduction in poverty.

(3) Subsection (2) is without prejudice to the generality of subsection (1).

<sup>F14</sup>(4) For the purposes of subsection (2) “relevant purpose” means—

- (a) where the Minister is the Secretary of State—
  - (i) a purpose mentioned in section 1(2)(a) or (b) or 3, or
  - (ii) a purpose that broadly corresponds to that purpose, and
- (b) where the Minister is the Treasury—
  - (i) a purpose mentioned in section 1(2)(a) or (b), or
  - (ii) a purpose that broadly corresponds to that purpose.]

#### Textual Amendments

- F9** Word in s. 4(1) substituted (10.1.2018) by [The Transfer of Functions \(International Development\) Order 2017 \(S.I. 2017/1283\)](#), art. 1(2), **Sch. para. 4(2)(a)** (with art. 3)
- F10** Words in s. 4(1) substituted (10.1.2018) by [The Transfer of Functions \(International Development\) Order 2017 \(S.I. 2017/1283\)](#), art. 1(2), **Sch. para. 4(2)(b)** (with art. 3)
- F11** S. 4(1A) inserted (10.1.2018) by [The Transfer of Functions \(International Development\) Order 2017 \(S.I. 2017/1283\)](#), art. 1(2), **Sch. para. 4(3)** (with art. 3)
- F12** Word in s. 4(2) substituted (10.1.2018) by [The Transfer of Functions \(International Development\) Order 2017 \(S.I. 2017/1283\)](#), art. 1(2), **Sch. para. 4(4)(a)** (with art. 3)
- F13** Words in s. 4(2) substituted (10.1.2018) by [The Transfer of Functions \(International Development\) Order 2017 \(S.I. 2017/1283\)](#), art. 1(2), **Sch. para. 4(4)(b)** (with art. 3)
- F14** S. 4(4) substituted (10.1.2018) by [The Transfer of Functions \(International Development\) Order 2017 \(S.I. 2017/1283\)](#), art. 1(2), **Sch. para. 4(5)** (with art. 3)

### *Form of assistance*

## 5 Meaning of “assistance”

- (1) In this Act “assistance” means assistance in any form or of any nature, including—
  - (a) financial or technical assistance, and
  - (b) assistance consisting in a supply of materials.
- (2) In subsection (1) “technical assistance” includes assistance that—
  - (a) consists in know-how in the form of personnel, training or the provision of the results of research, or
  - (b) is provided in the form of a scholarship.

## 6 Financial assistance

- (1) Financial assistance may be provided under this Act—

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- (a) by way of grant or loan,
  - (b) in the form of a guarantee, or
  - (c) by the [<sup>F15</sup>Minister] acquiring securities of a company.
- (2) More than one form of financial assistance may be provided in any case.
- (3) In this section—  
“company” includes any body corporate, wherever registered; and  
“securities”, in relation to a company, means shares (including stock), debentures, bonds and other securities, whether constituting a charge on the assets of the company or not.
- (4) This section is subject to section 7(3) (Treasury approval required for certain financial assistance).
- [<sup>F16</sup>(5) In a case where securities of a company are acquired by the Treasury, the securities are to be treated as held by the persons for the time being constituting the Treasury.]

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**Textual Amendments**

**F15** Word in s. 6(1)(c) substituted (10.1.2018) by [The Transfer of Functions \(International Development\) Order 2017 \(S.I. 2017/1283\)](#), art. 1(2), **Sch. para. 5(2)** (with art. 3)

**F16** S. 6(5) inserted (10.1.2018) by [The Transfer of Functions \(International Development\) Order 2017 \(S.I. 2017/1283\)](#), art. 1(2), **Sch. para. 5(3)** (with art. 3)

## 7 Terms on which assistance is provided

- (1) The [<sup>F17</sup>Minister] may provide assistance under this Act on such terms and conditions (if any) as [<sup>F18</sup>the Minister] may determine.
- (2) Assistance, other than financial assistance, may be provided—  
(a) free of charge, or  
(b) on such terms as to payment as the [<sup>F19</sup>Minister] may determine.
- (3) Financial assistance (other than a grant) may be provided under this Act [<sup>F20</sup>by the Secretary of State] only if the Treasury have approved the terms and conditions on which it is provided.
- (4) Approval may be given either with respect to a particular case or with respect to a class of cases.

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**Textual Amendments**

**F17** Word in s. 7(1) substituted (10.1.2018) by [The Transfer of Functions \(International Development\) Order 2017 \(S.I. 2017/1283\)](#), art. 1(2), **Sch. para. 6(2)(a)** (with art. 3)

**F18** Words in s. 7(1) substituted (10.1.2018) by [The Transfer of Functions \(International Development\) Order 2017 \(S.I. 2017/1283\)](#), art. 1(2), **Sch. para. 6(2)(b)** (with art. 3)

**F19** Word in s. 7(2)(b) substituted (10.1.2018) by [The Transfer of Functions \(International Development\) Order 2017 \(S.I. 2017/1283\)](#), art. 1(2), **Sch. para. 6(3)** (with art. 3)

**F20** Words in s. 7(3) inserted (10.1.2018) by [The Transfer of Functions \(International Development\) Order 2017 \(S.I. 2017/1283\)](#), art. 1(2), **Sch. para. 6(4)** (with art. 3)

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## 8 Arrangements with third parties

- (1) Any power conferred on the [<sup>F21</sup>Minister by the relevant provisions] to provide assistance to any person or body, or carry on any other activities, includes a power to enter into arrangements to secure that such assistance is provided, or (as the case may be) activities are carried on, by one or more other persons.
- (2) The arrangements may provide for the [<sup>F22</sup>Minister] to make payments to persons who provide facilities in pursuance of the arrangements.
- [<sup>F23</sup>(3) In this section “the relevant provisions” means—
  - (a) where the Minister is the Secretary of State, sections 1 to 4, and
  - (b) where the Minister is the Treasury, sections 1 and 4.]

### Textual Amendments

- F21** Words in s. 8(1) substituted (10.1.2018) by [The Transfer of Functions \(International Development\) Order 2017 \(S.I. 2017/1283\)](#), art. 1(2), **Sch. para. 7(2)** (with art. 3)
- F22** Word in s. 8(2) substituted (10.1.2018) by virtue of [The Transfer of Functions \(International Development\) Order 2017 \(S.I. 2017/1283\)](#), art. 1(2), **Sch. para. 7(3)** (with art. 3)
- F23** S. 8(3) inserted (10.1.2018) by [The Transfer of Functions \(International Development\) Order 2017 \(S.I. 2017/1283\)](#), art. 1(2), **Sch. para. 7(4)** (with art. 3)

### *Powers of statutory bodies*

## 9 Powers of statutory bodies

- (1) Each of the statutory bodies mentioned in Schedule 1 may enter into and carry out agreements for the purpose of—
  - (a) furthering sustainable development in one or more countries outside the United Kingdom,
  - (b) improving the welfare of the population of one or more such countries, or
  - (c) alleviating the effects of a natural or man-made disaster or other emergency on the population of one or more such countries.
- (2) An agreement entered into by a statutory body under this section (“an authorised agreement”) must not make provision for the body to provide financial assistance.
- (3) Before entering into an authorised agreement, the statutory body must obtain the consent of the Secretary of State.
- (4) The Secretary of State may give his consent for that purpose—
  - (a) where the statutory body concerned is a Scottish body or is within section 10(1)(b), only with the approval of the Scottish Ministers, and
  - (b) where the statutory body concerned is a Welsh body [<sup>F24</sup>other than the National Assembly for Wales], only with the approval of the National Assembly for Wales.
- (5) An order may be made under this subsection to amend Schedule 1 by making additions to or deletions from the statutory bodies for the time being listed there.
- (6) The power conferred by subsection (5) is exercisable—
  - (a) in the case of any order relating to a Scottish body, by the Scottish Ministers,

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- (b) in the case of any order relating to a statutory body within section 10(1)(b), by the Secretary of State acting with the consent of the Scottish Ministers,
- (c) in the case of any order relating to a Welsh body, by the National Assembly for Wales, and
- (d) in any other case, by the Secretary of State.

#### Textual Amendments

**F24** Words in s. 9(4)(b) added (E.W.) (23.11.2005) by [Wales Tourist Board \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3225\)](#), art. 1(1), **Sch. 2 para. 6(1)** (with art. 3(1))

## 10 Meaning of “Scottish body”, “Welsh body”, etc

- (1) For the purposes of section 9—
  - (a) “Scottish body” means a statutory body all of whose functions meet the following requirements, namely—
    - (i) they are exercisable in or as regards Scotland, and
    - (ii) they do not relate to reserved matters (within the meaning of the Scotland Act 1998 (c. 46)); and
  - (b) a body falls within this paragraph if it has, in addition to other functions, functions that meet the requirements of paragraph (a)(i) and (ii).
- (2) For the purposes of that section “Welsh body” means a statutory body—
  - (a) whose functions are exercisable only or mainly in or as regards Wales, and
  - (b) which is not designated by the Secretary of State, by order, as an excluded statutory body for the purposes of this section.
- (3) Before making an order under subsection (2), the Secretary of State must consult the National Assembly for Wales.

**Changes to legislation:**

There are currently no known outstanding effects for the International Development Act 2002, Part 1.