
STATUTORY INSTRUMENTS

1978 No. 1041 (N.I. 11)

NORTHERN IRELAND

The Financial Provisions (Northern Ireland) Order 1978

Laid before Parliament in draft

Made

25th July 1978

Coming into operation in accordance with Article 1 (2)

ARRANGEMENT OF ORDER

Article

1. Title and commencement.
2. Interpretation.
3. Increases in issues out of the Consolidated Fund.
4. The Civil Contingencies Fund.
5. Commutation of payments relating to housing.
6. Surplus in Government Loans Fund to be payable into the Consolidated Fund.
7. The Carlisle and Blake Fund.
8. Increase in loans and grants for harbour works etc.
9. Payments to councillors.
10. Payments by Education and Library Boards to members of boards.
11. Powers of Education and Library Boards as to conferences.
12. Abolition of the Ulster Land Fund.
13. Grants and loans to the National Trust.
14. Repeals.

SCHEDULES:

Schedule 1—Increases in sums to be issued out of the Consolidated Fund.

Schedule 2—Amendments consequential upon Article 3 (1).

Schedule 3—Repeals.

At the Court at Buckingham Palace, the 25th day of July 1978

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:—

Title and commencement

1.—(1) This Order may be cited as the Financial Provisions (Northern Ireland) Order 1978.

(2) Except for Articles 5, 12 and 13 and Part II of Schedule 3 which shall come into operation on 1st April 1979, this Order shall come into operation on the fourteenth day after the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (b) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“Comptroller and Auditor-General” means the Comptroller and Auditor-General for Northern Ireland;

“Reserve Fund” means the Reserve Fund established under section 21 of the Exchequer and Financial Provisions Act (Northern Ireland) 1950 (c);

“statutory provision” has the meaning assigned to it by section 1 (f) of the Interpretation Act (Northern Ireland) 1954.

Increases in issues out of the Consolidated Fund

3.—(1) The maximum amount which may be issued out of the Consolidated Fund under each of the statutory provisions listed in column 1 of Schedule 1 (being provisions authorising issues for the purposes mentioned in column 2) shall be increased from the amount specified in column 3 in relation to that provision to the amount specified in column 4.

(2) The consequential amendments specified in Schedule 2 shall have effect.

The Civil Contingencies Fund

4. In section 23 of the Exchequer and Financial Provisions Act (Northern Ireland) 1950 (temporary increase of Civil Contingencies Fund)—

(a) in subsection (1), the words “by reason of exigencies arising out of any emergency”, and

(a) 1974 c. 28.

(b) 1954 c. 33 (N.I.).

(c) 1950 c. 3 (N.I.).

(b) in the proviso to subsection (1), the words “but in any case not later than the thirtieth day of September following the end of the financial year in which the sums were borrowed”, shall cease to have effect.

Commutation of payments relating to housing

5.—(1) The Department of the Environment may, with the consent of the Department of Finance, make payments for the redemption or commutation, in whole or in part, of any annual sum (whether or not related to any capital sum) payable under any statutory provision relating to the provision of housing.

(2) All the assets and liabilities of the Housing Commutation Fund established under section 26 of the Exchequer and Financial Provisions Act (Northern Ireland) 1950 shall become assets and liabilities of the Reserve Fund and the Housing Commutation Fund shall thereafter cease to exist.

(3) The repeal of the statutory provisions referred to in Part II of Schedule 3 shall not affect any duty under section 36 of the Exchequer and Financial Provisions Act (Northern Ireland) 1950—

(a) of the Department of Finance to keep accounts in relation to the Housing Commutation Fund in respect of any financial year, and to submit them to the Comptroller and Auditor-General;

(b) of the Comptroller and Auditor-General to audit them and return them to the Department of Finance;

(c) of the Department of Finance to lay the accounts before the Assembly.

(4) Any sum received on or after 1st April 1979 which if the Housing Commutation Fund were still in existence would have been payable into that Fund shall be paid into the Reserve Fund.

Surplus in Government Loans Fund to be payable into Consolidated Fund

6. In section 19 of the Government Loans Act (Northern Ireland) 1957 (a) (income and expenditure account of the Loans Fund), for subsection (1) there shall be substituted—

“(1) If the income of the Loans Fund received or accrued in respect of any financial year is in excess of the expenditure charged or chargeable to the income account of the Loans Fund in respect of that year, the excess shall, on such date as the Department may determine, be transferred to the Consolidated Fund.”.

The Carlisle and Blake Fund

7. Notwithstanding anything in section 1 (4) of the Administrative Provisions Act (Northern Ireland) 1925 (b) (which vested certain assets of the Carlisle and Blake Fund in the Department of Education), the Department of Education may apply those assets and the income therefrom to such educational purposes as the Department considers appropriate.

(a) 1957 c. 10 (N.I.). (b) 1925 c. 3 (N.I.).

Increase in loans and grants for harbour works etc.

8. In section 4 of the Harbours Act (Northern Ireland) 1970 (a) (limit of £9,500,000 on loans and grants for harbour works) for “£9,500,000” there shall be substituted “£12,000,000”.

Payments to councillors

9. In the Local Government Act (Northern Ireland) 1972 (b)—

(a) in section 36 (payments to councillors), for subsection (1) there shall be substituted—

“(1) Regulations may provide for the making by councils, subject to and in accordance with the regulations, of payments to councillors for, or in relation to anything done in connection with, service as councillors; but payments under the regulations shall not exceed such amounts or rates as the Department may determine.”;

(b) in sections 37 (2) (payments towards expenses of official visits etc.) and 38 (3) (payments towards expenses incurred in attending conferences etc.), for the word “prescribed” there shall be substituted the words “determined by the Department”.

Payments by Education and Library Boards to members of boards

10. In Article 67 (3) of the Education and Libraries (Northern Ireland) Order 1972 (c) (payments to members of boards in relation to their functions as members of a board), for the words “and any such payments shall be of such amount or at such rate as may be provided in the regulations” there shall be substituted the words “but payments under the regulations shall not exceed such amounts or rates as the Department may determine”.

Powers of Education and Library Boards as to conferences

11. In Article 81 (2) of the Education and Libraries (Northern Ireland) Order 1972 (powers of boards as to research and conferences)—

(a) for the words “regulations made” there shall be substituted the words “conditions specified”;

(b) in sub-paragraph (b)—

(i) after the words “a board may” there shall be inserted the words “at such rates as the Department may determine”;

(ii) after the words “under this Order” there shall be added the words “other than expenses in respect of which payment may be made under Article 67”.

Abolition of the Ulster Land Fund

12.—(1) All the assets and liabilities of the Ulster Land Fund established under section 14 of the Finance Act (Northern Ireland) 1948 (d) shall become assets and liabilities of the Reserve Fund and the Ulster Land Fund shall thereafter cease to exist.

(2) Any sum received on or after 1st April 1979 which if the Ulster Land Fund had not been abolished would have been payable into that Fund shall be paid into the Reserve Fund.

(a) 1970 c. 1 (N.I.). (b) 1972 c. 9 (N.I.).
(c) S.I. 1972/1263 (N.I. 12). (d) 1948 c. 15 (N.I.).

(3) The repeal of the statutory provisions referred to in Part II of Schedule 3 shall not affect any duty under section 6 of the Ulster Land Fund Act (Northern Ireland) 1949 (a)—

- (a) of the Department of Finance to prepare in respect of any financial year an account of receipts into and payments out of the Ulster Land Fund, and to transmit any account prepared by virtue of that section to the Comptroller and Auditor-General on or before the 30th November following the end of the financial year in question; or
- (b) of the Comptroller and Auditor-General to examine and certify any account transmitted to him; or
- (c) of the Department of Finance to lay copies of any such certified account, together with any report of the Comptroller and Auditor-General, before the Assembly.

Grants and loans to the National Trust

13.—(1) In the Amenity Lands Act (Northern Ireland) 1965 (b), after section 1 there shall be inserted the following section—

“Grants and loans to the National Trust for acquisition etc. of amenity lands.

1A.—(1) The Department may make grants (whether by way of endowment or otherwise) or loans to the National Trust for Places of Historic Interest or Natural Beauty towards the cost of—

- (a) acquiring any land for the purpose of—
 - (i) preserving any area of natural beauty or amenity;
 - (ii) establishing any area of scientific interest as a nature reserve within the meaning of section 11;
 - (iii) providing means of access to any area of the kind referred to in sub-paragraphs (i) and (ii);
- (b) improving, maintaining or managing any land so acquired.

(2) Grants and loans under subsection (1) shall be on such terms and conditions as the Department, with the approval of the Department of Finance, thinks fit.”.

(2) In the Planning (Northern Ireland) Order 1972 (c)—

(a) in Article 83, after paragraph (1) there shall be inserted the following paragraph—

“(1A) Grants under this Article to the National Trust for Places of Historic Interest or Natural Beauty may, if the Department thinks fit, be made by way of endowment.”;

(b) after Article 83 there shall be inserted the following Article—

“Grants and loans to the National Trust for acquisition of listed buildings

83A.—(1) The Department may make grants or loans to the National Trust for Places of Historic Interest or Natural Beauty towards the cost of acquiring—

- (a) any listed building;
- (b) any land comprising or contiguous or adjacent to any such building;
- (c) any objects ordinarily kept in any such building.

(a) 1949 c. 16 (N.I.). (b) 1965 c. 9 (N.I.). (c) S.I. 1972/1634 (N.I. 17).

(2) Before making any grant or loan under this Article the Department shall consult with the Historic Buildings Council both as to the making of the grant or loan and as to the conditions subject to which it should be made.

(3) Grants and loans under this Article shall be on such terms and conditions as the Department, with the approval of the Department of Finance, thinks fit.”.

Repeals

14. The statutory provisions set out in Schedule 3 (which include provisions which are unnecessary) are hereby repealed to the extent mentioned in the third column of that Schedule, subject to Article 1 (2) as to the dates of operation of that Schedule.

N. E. Leigh,
Clerk of the Privy Council.

SCHEDULES

Article 3 (1).

SCHEDULE 1

INCREASES IN SUMS TO BE ISSUED OUT OF THE CONSOLIDATED FUND

1	2	3	4
Statutory provision	Purpose for which issues may be made	Present limit	New limit
The Special Roads Act (Northern Ireland) 1963 (c. 12) s. 24 (2).	Capital expenditure on roads.	£ 200,000,000	£ 300,000,000
The Housing Finance (Northern Ireland) Order 1977 (S.I. 1977/597 (N.I. 8)) Article 3 (2), (3).	Capital expenditure by the Northern Ireland Housing Executive.	550,000,000	850,000,000

Article 3 (2).

SCHEDULE 2

AMENDMENTS CONSEQUENTIAL UPON ARTICLE 3 (1)

Statutory provision	Amendment
The Special Roads Act (Northern Ireland) 1963 (c. 12).	In section 24 (2) for “two hundred million pounds” substitute “three hundred million pounds”.
The Housing Finance (Northern Ireland) Order 1977 (S.I. 1977/597 (N.I. 8)).	In Article 3 (3) for “£550 million” substitute “£850 million”.

SCHEDULE 3

Articles 1 (2) and 14.

REPEALS

PART I

Chapter or Number	Short title	Extent of repeal
1950 c. 3.	The Exchequer and Financial Provisions Act (Northern Ireland) 1950.	Section 4 (<i>f</i>). Section 21 (1) (<i>a</i>), (2) (<i>b</i>) (i), (3) and (4) (<i>a</i>). In section 23, in subsection (1) the words from "by reason of" to "emergency", and in the proviso to subsection (1) the words from "but in any case" to the end.
1957 c. 10.	The Government Loans Act (Northern Ireland) 1957.	In section 18— paragraph (<i>b</i>); and in paragraph (<i>d</i>), the words "or under subsection (1) of section nineteen for that purpose".
1972 c. 9.	The Local Government Act (Northern Ireland) 1972.	In section 143 the "100".
S.I. 1972/1999 (N.I. 22).	The Local Government &c. (Northern Ireland) Order 1972.	In Articles 3 and 4 and in Schedule 1, the word "Exchequer" in the phrase "General Exchequer Grant", wherever that phrase occurs.
1974 c. 2.	The Financial Provisions Measure (Northern Ireland) 1974.	In Schedule 1, the entry relating to the Harbours Act (Northern Ireland) 1970 section 4. In Schedule 2, the entry relating to the Harbours Act (Northern Ireland) 1970.
S.I. 1975/1308 (N.I. 13).	The Local Government (Reduction of General Grant) (Northern Ireland) Order 1975.	In Article 1 (3), the words from "and there referred" to the end.
S.I. 1976/1212 (N.I. 21).	The Financial Provisions (Northern Ireland) Order 1976.	Article 8 (2). In Schedule 1, the entry relating to the Special Roads Act (Northern Ireland) 1963 section 24 (2). In Schedule 2, the entry relating to the Special Roads Act (Northern Ireland) 1963.

PART II

This Part shall have effect from 1st April 1979

Chapter or Number	Short title	Extent of repeal
1948 c. 15.	The Finance Act (Northern Ireland) 1948.	Section 14.
1949 c. 16.	The Ulster Land Fund Act (Northern Ireland) 1949.	The whole Act.
1950 c. 3.	The Exchequer and Financial Provisions Act (Northern Ireland) 1950.	<p>In section 4 (i), the words "and section twenty-six".</p> <p>In section 5 (1) (e), the words "or section twenty-six".</p> <p>In section 8A (b), the words "or to the Housing Commutation Fund created under section twenty-six of this Act".</p> <p>Section 26.</p>
1952 c. 7.	The Administrative and Financial Provisions Act (Northern Ireland) 1952.	<p>In section 3, the words "or to the Housing Commutation Fund created under section twenty-six of this Act".</p>
1955 c. 6.	The Consolidated Fund (Miscellaneous Provisions) Act (Northern Ireland) 1955.	<p>Section 11.</p> <p>Section 16 (4).</p>
1961 c. 13.	The Museum Act (Northern Ireland) 1961.	Section 12 (3).
1962 c. 7.	The Administrative and Financial Provisions Act (Northern Ireland) 1962.	Section 1.
1965 c. 13.	The New Towns Act (Northern Ireland) 1965.	Section 40.
1967 c. 13.	The Ulster Folk Museum (Amendment) Act (Northern Ireland) 1967.	Section 7 (9), (11), and (13).
1971 c. 6.	The Financial Provisions Act (Northern Ireland) 1971.	<p>Section 4 (2) (b).</p> <p>In Schedule 1, the entry relating to the Exchequer and Financial Provisions Act (Northern Ireland) 1950 (c. 3) section 26 (4).</p> <p>In Schedule 2, the entry relating to the Exchequer and Financial Provisions Act (Northern Ireland) 1950 (c. 3) section 26 (4).</p>

Chapter or Number	Short title	Extent of repeal
1972 c. 3.	The Housing on Farms Act (Northern Ireland) 1972.	In Schedule 1, the entry relating to the Exchequer and Financial Provisions Act (Northern Ireland) 1950.
S.I. 1972/1998 (N.I. 21).	The Local Government (Postponement of Elections and Reorganisation) (Northern Ireland) Order 1973.	In Schedule 2, in Part II, paragraph 2.
S.I. 1973/416 (N.I. 7).	The Museums (Northern Ireland) Order 1973.	<p>In Article 3— in paragraph (1), the words "Subject to paragraph (2)"; paragraph (2); in paragraph (11), the words "(2) and".</p> <p>Article 11 (3).</p> <p>In the Schedule, in Part II, the saving in the entry relating to the Financial Provisions Act (Northern Ireland) 1971.</p>
S.I. 1973/2163.	The Northern Ireland (Modification of Enactments—No. 1) Order 1973.	In Schedule 5, para. 30.
1974 c. 2.	The Financial Provisions Measure (Northern Ireland) 1974.	Section 2.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order—

- (a)** increases the limits on sums which may be issued out of the Consolidated Fund of Northern Ireland for certain purposes;
- (b)** increases the limits on grants for capital works in relation to harbours;
- (c)** provides that payments to councillors and to members of Education and Library Boards in relation to their service as councillors or members shall be subject to maxima determined by the relevant Department instead of the amounts or rates of payments being prescribed by regulations;
- (d)** abolishes the Ulster Land Fund but enables the Department of the Environment to make grants or loans to the National Trust towards the cost of acquiring amenity lands and listed buildings;
- (e)** abolishes and replaces the Housing Commutation Fund.

