
STATUTORY INSTRUMENTS

1991 No. 761 (N.I. 6)

NORTHERN IRELAND

The Financial Provisions(Northern Ireland) Order 1991

*Made - - - - 20th March 1991
Coming into operation on days to be appointed under
Article 1(2)*

At the Court at Buckingham Palace, the 20th day of March 1991

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(1) 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:—

Introductory

Title and commencement

1.—(1) This Order may be cited as the Financial Provisions (Northern Ireland) Order 1991.

(2) This Order shall come into operation on such day or days as the Head of the Department of Finance and Personnel may by order appoint.

Interpretation

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

(1) 1974 c. 28
(2) 1954 c. 33 (N.I.)

Water and sewerage services

Allocation of part of regional rate to water and sewerage services

3.—(1) Such part of the regional rate collected in each financial year as the Department of Finance and Personnel may direct shall be applied as an appropriation in aid of moneys appropriated by Measure for the purpose of water, sewerage and related services.

(2) In paragraph (1) “regional rate” has the meaning assigned to it by Article 6(2) of the Rates (Northern Ireland) Order 1977(3).

Government loans

Increase of limit for government loans

4. In Article 8(2) of the Financial Provisions (Northern Ireland) Order 1983(4) (limit on outstanding government loans), for “£700 million” there shall be substituted “£2,400 million”.

Rates of interest on government loans to district councils, etc.

5. In Schedule 2 to the Financial Provisions (Northern Ireland) Order 1983(5), (provisions deemed to be included in agreements for government loans to district councils, etc.), in paragraph (b) (rates of interest)—

- (a) in sub-paragraph (i) (single advance), for the words “when the loan is advanced” there shall be substituted the words “when the application for the advance is received by the Department”;
- (b) in sub-paragraph (ii) (several advances), for the words “when that advance is issued” there shall be substituted the words “when the application for that advance is received by the Department”.

Loans guarantees and borrowing regulation

Repeal of Loans Guarantee and Borrowing Regulation Act (Northern Ireland) 1946

6. The Loans Guarantee and Borrowing Regulation Act (Northern Ireland) 1946(6) shall cease to have effect.

Miscellaneous

Financial limit above which approval of Department of Finance and Personnel for emergency works on watercourses required

7.—(1) In Article 8 of the Drainage (Northern Ireland) Order 1973(7) (emergency works: watercourses), in paragraph (1) the words “with the approval of the Ministry of Finance” shall cease to have effect.

(2) After that paragraph there shall be inserted the following paragraph—

(3) 1977 NI 28
(4) 1983 NI 1
(5) 1983 NI 1
(6) 1946 c. 18 (N.I.)
(7) 1973 NI 1

“(1A) The Department shall not incur expenditure exceeding £25,000 in relation to any watercourse or the banks thereof under paragraph (1) without the approval of the Department of Finance and Personnel.”.

Alteration of basis for finances of Sports Council

8.—(1) In the Recreation and Youth Service (Northern Ireland) Order 1986⁽⁸⁾, for Article 5 (which, among other things, requires the Sports Council to submit estimates of its expenditure to the Department of Education) there shall be substituted the following Article—

“Grants

5.—(1) The Department may, subject to such conditions as the Department thinks fit, make grants towards the expenses of the Sports Council.

(2) The Sports Council shall provide the Department with such information as the Department may require for the purposes of paragraph (1).”.

(2) In Article 6 of that Order (borrowing powers)—

(a) in paragraph (1), for the words “net approved expenditure incurred by it” there shall be substituted the words “the expenditure of the Sports Council”;

(b) paragraphs (2) and (3) shall cease to have effect.

Minor and consequential amendments and repeals

9.—(1) The statutory provisions mentioned in Schedule 1 shall have effect with the amendments there specified.

(2) The statutory provisions mentioned in Schedule 2 are hereby repealed to the extent specified in the third column of that Schedule.

G. I. de Deney
Clerk of the Privy Council

SCHEDULES

SCHEDULE 1

Article 9(1).

MINOR AMENDMENTS

The Exchequer and Financial Provisions Act(Northern Ireland) 1950 (c. 3)

1. In section 10 (Finance Accounts)—
 - (a) in subsection (1) for “one” substitute “two, twenty-four”;
 - (b) in subsection (2) for “fourteen days” substitute “one week”.
2. In section 30 (investment of Government funds)—
 - (a) for “Solicitor to the Ministry” in both places where it occurs substitute “Head of Legal Services”;
 - (b) in paragraph (a), for the words from “subject to” to the end substitute “be carried out by the Head of Legal Services subject to the direction and control of the Department”;
 - (c) in paragraph (b), for “such Solicitor” substitute “Head of Legal Services”.
3. In section 31(5) (definition of Government fund)—
 - (a) for the words from “administered” to “by” substitute “which is under the control of”;
 - (b) at the end add “in pursuance of any enactment”.
- 4.—(1) In subsection (1) of section 33 (provision for charging capital expenditure of certain schools)—
 - (a) the words from “made or to be made” to “forty-eight”; and
 - (b) “unless and until Parliament otherwise determines”,shall cease to have effect.
 - (2) In subsection (2) of that section—
 - (a) “money” in the second place where it occurs shall cease to have effect;
 - (b) for “by virtue of” substitute “under”.
 - (3) In subsection (3) of that section—
 - (a) for “by virtue of” substitute “under”;
 - (b) for the words from “any sums so issued” to “Exchequer” substitute “provision for such repayment may be made”.
5. In section 33A(1) (provision for charging capital expenditure required for accommodation of public services), “unless and until Parliament otherwise determines” shall cease to have effect.
6. In section 36(2) (Capital Accounts), the words from “for the purposes” to “enactment” shall cease to have effect.
7. In section 40 (interpretation)—

(a) in the definition of “enactment” in subsection (1), for the words from “includes” to “such Act” substitute “means any statutory provision (as defined in section 1(f) of the Interpretation Act (Northern Ireland) 1954)”;

(b) subsection (2) shall cease to have effect.

8. In the First Schedule (Treasury Bills), in paragraph 4 the words “or the Second Secretary” shall cease to have effect.

The Administrative and Financial Provisions Act (Northern Ireland) 1964 (c. 6)

9. In section 3(2), for the words from “section 12” to “Post Office” substitute “section 11 of the National Debt Act 1972 as respects money raised under the auspices of the Director of Savings”.

SCHEDULE 2

Article 9(2).

REPEALS

Chapter or Number	Title	Extent of repeal
1946 c. 18 (N.I.).	The Loans Guarantee and Borrowing Regulation Act (Northern Ireland) 1946.	The whole Act.
1950 c. 3 (N.I.).	The Exchequer and Financial Provisions Act (Northern Ireland) 1950.	<p>In section 11(1)(e), the word “other”.</p> <p>In section 33—</p> <p>(a) in subsection (1) the words from “made or to be made” to “forty-eight” and “unless and until Parliament otherwise determines”;</p> <p>(b) in subsection (2) the word “money” in the second place where it occurs.</p> <p>In section 33A(1), the words “unless and until Parliament otherwise determines”.</p> <p>In section 36(2), the words from “for the purposes” to “enactment”.</p> <p>In section 40, subsection (2).</p> <p>In the First Schedule, in paragraph 4, the words “or the Second Secretary”.</p>
1956 c. 17 (N.I.).	The Administrative and Financial Provisions Act (Northern Ireland) 1956.	Section 7.

Status: This is the original version (as it was originally made).

Chapter or Number	Title	Extent of repeal
1968 c. 73.	The Transport Act 1968.	In section 12, subsection (6). In Part II of Schedule 17, paragraph 2.
1970 c. 1 (N.I.).	The Harbours Act (Northern Ireland) 1970.	In section 32, the words from “(but without prejudice” to “1946”.
1971 c. 36 (N.I.).	The Civil Evidence Act (Northern Ireland) 1971.	In the Schedule, the entry relating to the Loans Guarantee and Borrowing Regulation Act (Northern Ireland) 1946.
1972 c. 9 (N.I.).	The Local Government Act (Northern Ireland) 1972.	In section 61, subsection (5).
1973 NI 1.	The Drainage (Northern Ireland) Order 1973.	In Article 8(1), the words “with the approval of the Ministry of Finance”.
1976 NI 12.	The Solicitors (Northern Ireland) Order 1976.	In Schedule 2, in paragraph 4, the words from “Subject” to “thereunder”.
1977 c. 46.	The Insurance Brokers (Registration) Act 1977.	In the Schedule, in paragraph 8(2)(e), the words from “or, in” to “Ireland) 1946”.
1986 NI 25.	The Recreation and Youth Service (Northern Ireland) Order 1986.	In Article 6, paragraphs (2) and (3).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order contains a number of miscellaneous financial provisions.

Article 3 provides for part of the regional rate to be allocated to water and sewerage services without having been paid into the Consolidated Fund for Northern Ireland.

Articles 4 and 5 relate to government loans and Article 6 repeals the Loans Guarantee and Borrowing Regulation Act (Northern Ireland) 1946.

Article 7 enables the Department of Agriculture to spend up to £25,000 on emergency works on watercourses without the approval of the Department of Finance and Personnel and Article 8 simplifies the system by which the Sports Council is funded. Article 9 makes minor and consequential amendments and repeals.