STATUTORY INSTRUMENTS

1993 No. 1252

The Financial Provisions (Northern Ireland) Order 1993

PART II

GOVERNMENT TRADING FUNDS

Establishment of trading funds

3.—(1) If it appears to any department—

(a) that any operations of that department are suitable to be financed by means of a fund established under this Part (a "trading fund") and, in particular, to be so managed that the revenue of the fund would consist principally of receipts in respect of goods or services provided in the course of the operations in question, and

(b) that the financing of the operations in question by means of a trading fund would be in the interests of the improved efficiency and effectiveness of the management of those operations,

that department may by order establish a trading fund for the operations in question as from a day appointed by the order.

(2) Where a department proposes to make an order in respect of any operations (not being operations then financed by means of a trading fund) and considers that—

(a) the operations in question consist substantially in the provision of goods or services in the United Kingdom otherwise than to departments, and

(b) an opportunity to make representations to it should be given,

the department shall take such steps as appear to it to be appropriate to give such an opportunity to such persons as appear to it to be appropriate.

(3) An order establishing a trading fund shall designate either—

(a) the Consolidated Fund, or

(b) the responsible department,

as the source of issues to the fund by way of loan (referred to in this Part as the "authorised lender").

(4) The Department of Finance and Personnel may make issues out of the Consolidated Fund for the purpose of making loans under paragraph (3)(*a*) and may borrow money for the purpose of making any such issues.

(5) Issues to the fund by way of loan by the responsible department shall be made out of money appropriated by Measure, and the right to repayment of such issues ranks as an asset of the Consolidated Fund.

(6) An order establishing a trading fund for operations carried on by a person appointed in pursuance of any statutory provision may provide—

(a) for the fund to be under the control and management of that person instead of the responsible department and, accordingly,

(b) for this Part to have effect as if—

(i) the reference to the responsible department in Article 7(1) and the first reference to it in Article 8(1), and

(ii) such other references in this Part to the responsible department as may be specified in the order, where they are references to that department in the exercise of its function of controlling or managing the fund,

were references to that person.

(7) In this Part—

"the funded operations", in relation to a trading fund, means the operations for which the fund is established,

"liabilities", in relation to a trading fund, does not include liabilities in respect of any amount issued to the fund under Article 6,

"department" means a department of the Government of Northern Ireland,

"order", except in Article 6(7), means an order under this Article,

"originating debt", in relation to a trading fund, means any amount remaining after any repayment or reduction of the amount which, by virtue of Article 4(4) and (5), is the originating debt of the fund,

"responsible department", in relation to a trading fund, means the department by which the fund is established, and

"statutory provision" has the meaning assigned to it by section 1(*f*) of the Interpretation Act (Northern Ireland) 1954[F1].

(8) References in this Part to the provision of services include—

(a) the provision of any authority required for carrying on any activity or exercising any right, and

(b) the performance of any other functions in connection with the regulation of any activity or right.

(9) References in this Part to a department include departments acting jointly, but an order may not designate more than one department as the authorised lender.

(10) References in this Part to the Crown are references to the Crown in right of Her Majesty's Government in Northern Ireland.

F1 1954 c. 33 (N.I.)

Status:
Point in time view as at 01/01/2006.

Changes to legislation:
The Financial Provisions (Northern Ireland) Order 1993, Section 3 is up to date with all changes known to be in force on or before 13 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.