



# Miscellaneous Financial Provisions Act 1946

## 1946 CHAPTER 40

An Act to extend the powers of the Treasury to raise money under section one of the National Loans Act, 1939 to make provision as to certain obligations arising out of or in connection with the war, to charge certain payments under the War Damage Act, 1943, on the Consolidated Fund, to provide for a temporary increase in the capital of the Civil Contingencies Fund, to amend the Defence Loans Act, 1937, and to increase the salary of the Comptroller and Auditor-General. [26th March 1946]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

### **1 Additional borrowing powers, etc.**

- (1) The power of the Treasury to raise money under section one of the National Loans Act, 1939, shall include power to raise—
  - (a) any money required for raising any supply granted to His Majesty for the service of the year ending the thirty-first day of March, nineteen hundred and forty-seven, and in addition a sum not exceeding two hundred and fifty million pounds ; and
  - (b) any money required for the purpose of providing any sums to be issued out of the Consolidated Fund for making any of the payments mentioned in section two of this Act, or effecting the increase in the capital of the Civil Contingencies Fund provided for by section three of this Act.
- (2) If, under any agreement made, whether before or after the passing of this Act, between His Majesty's Government in the United Kingdom and any other Government concerning obligations arising out of or in connection with any war in which His Majesty has been engaged between the third day of September, nineteen hundred and thirty-nine and the passing of this Act, His Majesty's Government in the United

Kingdom accept, in respect of those obligations, or in respect of sums advanced by that other Government to enable those obligations to be discharged, a liability to make payments over a period of years—

- (a) that liability shall, if the Treasury so direct, be treated for all purposes as a liability arising under a security issued under the National Loans Act, 1939, providing for the discharge of that liability on the terms set out in the agreement; and
  - (b) any sum advanced as aforesaid by the other Government shall be paid into the Exchequer and then issued out of the Consolidated Fund for the purposes of discharging the obligations.
- (3) In this Act, the expression " the Consolidated Fund" means the Consolidated Fund of the United Kingdom or the growing produce thereof.

## **2 War damage payments to be made out of Consolidated Fund.**

- (1) Any sums required on or after the first day of April, nineteen hundred and forty-six—
- (a) for payments under the War Damage Act, 1943, by the War Damage Commission in respect of war damage, or in respect of interest on value payments or on payments to be made under section eighteen of that Act (which relates to damaged land of exceptional site value subject to a lease) ; or
  - (b) for payments under the said Act by the Board of Trade in respect of war damage to goods or in respect of interest on any such payments,
- shall, in lieu of being defrayed, in accordance with subsection (1) of section seventy-nine and section one hundred of that Act, out of moneys provided by Parliament, be charged on and issued out of the Consolidated Fund.
- (2) If in any financial year any sums are issued out of the Consolidated Fund under the preceding provisions of this section or any payments are made out of sums so issued, the War Damage Commission or the Board of Trade, as the case may be, shall prepare, in such form and manner as the Treasury may direct, an account of all sums so issued and received by them in that year and of all payments so made by them in that year.
- (3) Any account prepared under the last preceding subsection shall, on or before the thirtieth day of November next following the end of the financial year in question, be transmitted to the Comptroller and Auditor-General, who shall examine and certify the account and lay copies thereof, together with his report thereon, before Parliament.
- (4) Sections eighty-one and ninety-nine of the said Act (which provide for certain statements of receipts and payments by the War Damage Commission and the Board of Trade to be prepared and laid before Parliament) shall not have effect as respects any financial year beginning after the thirty-first day of March, nineteen hundred and forty-six.

## **3 Temporary increase of Civil Contingencies Fund.**

- (1) With a view to providing funds for making advances in respect of urgent services in anticipation of the provision made or to be made by Parliament for those services becoming available, or for making advances in anticipation of the realisation of receipts in connection with any services for which provision is so made or to be made, or for making temporary advances to any Government Department for the provision of any necessary working cash balances in connection with any such services, the Treasury may issue out of the Consolidated Fund such sums as may from time to

time be required for the purpose of increasing temporarily the capital of the Civil Contingencies Fund :

Provided that—

- (a) any sums so issued shall be repaid to the Exchequer at such times and in such manner as the Treasury may direct, and in any case not later than the thirty-first day of December, nineteen hundred and fifty ; and
  - (b) the sums so issued and remaining unrepaid to the Exchequer at any time shall not exceed two hundred and fifty million pounds.
- (2) The sums repaid to the Exchequer under the preceding subsection shall be issued out of the Consolidated Fund at such times as the Treasury may direct and shall be applied in redeeming or paying off debt of such description as the Treasury think fit.

#### **4 Repeal of s.1(4) of Defence Loans Act, 1937.**

The instalments of principal and interest required by subsection (4) of section one of the Defence Loans Act, 1937, to be paid into the Exchequer out of moneys provided by Parliament for defence services shall, after the financial year ending with the thirty-first day of March, nineteen hundred and forty-six, not be paid.

#### **5 Salary of Comptroller and Auditor-General.**

- (1) The salary which may be granted to the Comptroller and Auditor-General under the Exchequer and Audit Departments Act, 1866, shall be a sum of three thousand five hundred pounds per annum instead of a sum of three thousand pounds per annum, and the person who held the office of Comptroller and Auditor-General on the first day of January, nineteen hundred and forty-six, shall be deemed to have been entitled to a salary of three thousand five hundred pounds per annum as from that date, as if it had been duly granted to him under that Act.
- (2) The salary payable to the Comptroller and Auditor-General by virtue of this section shall be charged on and issued out of the Consolidated Fund.

#### **6 Short title, interpretation and repeal.**

- (1) This Act may be cited as the Miscellaneous Financial Provisions Act, 1946.
- (2) Any reference in this Act to any other enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment.
- (3) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule :

Provided that the repeals effected by this subsection in the Defence Loans Act, 1937, and the War Damage Act, 1943, shall not have effect as respects the financial year ending the thirty-first day of March, nineteen hundred and forty-six, or any previous financial year.

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

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## SCHEDULE

Section 6.

## ENACTMENTS REPEALED

Session and Chapter.	Short title.	Extent of repeal.
11 & 12 Geo. 5. c. 52.	The Exchequer and Audit Departments Act, 1921.	Section seven.
1 Edw. 8 and 1 Geo, 6. c. 13.	The Defence Loans Act, 1937.	Subsections (4) and (5) of section one.
6 & 7 Geo. 6. c. 21.	The War Damage Act, 1943.	Subsection (1) of section seventy-nine, sections eighty-one and ninety-nine, and subsection (3) of section one hundred and eight.