

INTERNATIONAL DEVELOPMENT ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Sections 9 and 10 and Schedule 1

31. **Section 9** gives the statutory bodies listed in Schedule 1 to the Act the power to enter into and carry out agreements for the purpose of:
- furthering sustainable development;
 - improving the welfare of the population; or
 - alleviating the effects of a disaster or emergency
- outside the United Kingdom. However, the statutory bodies are prohibited from giving financial assistance.
32. A statutory body may only enter into an agreement if it has the consent of the Secretary of State to do so. However, the devolution arrangements which are now in place mean that in some cases the giving of this consent needs to be subject to the approval of the devolved administrations.
33. As regards Scotland, international development is a reserved matter under the Scotland Act 1998. However, there is an exception to this reservation in the case of assistance given to Ministers in relation to international development by statutory bodies for which Scottish Ministers are responsible.
34. Subsection (4)(a) of section 9 therefore provides that the Secretary of State's approval for certain bodies to provide assistance may be given only with the consent of the Scottish Ministers. The bodies to which this requirement relates are determined in accordance with section 10(1) of the Act. These are:
- "Scottish bodies": those bodies whose functions are all exercisable in or as regards Scotland and do not relate to reserved matters under the Scotland Act 1998; and
 - "Cross-border bodies": those bodies which have some functions exercisable in or as regards Scotland which do not relate to reserved matters under the Scotland Act 1998.
35. As regards Wales, the Welsh Assembly has no direct interest in international development. However, a number of statutory bodies listed in Schedule 1 to the Act are responsible to the Assembly.
36. Subsection (4)(b) of section 9 therefore provides that the Secretary of State's approval for certain bodies to provide assistance may be given only with the consent of the Welsh Assembly. The bodies to which this requirement relates are determined in accordance with section 10(2) of the Act. These "Welsh bodies" are those bodies whose functions are exercisable only or mainly in or as regards Wales, unless the Secretary of State has made an order excluding a body from this requirement.

*These notes refer to the International Development Act 2002
(c.1) which received Royal Assent on 26 February 2002*

37. Under subsection (5) of section 9 an order may provide for a body to be added to or deleted from the list of bodies set out in Schedule 1 to the Act. Such an order is made:
- by the Scottish Parliament, if the body is a Scottish body;
 - by the Secretary of State with the consent of the Scottish Ministers, if the body is a cross-border body;
 - by the Welsh Assembly, if the body is a Welsh body;
 - by the Secretary of State, in any other case.