

1990 No. 2269

SOCIAL SECURITY

**The Social Security (Industrial Injuries)
(Prescribed Diseases) Amendment Regulations 1990**

<i>Made</i> - - - -	<i>15th November 1990</i>
<i>Laid before Parliament</i>	<i>22nd November 1990</i>
<i>Coming into force</i>	<i>13th December 1990</i>

The Secretary of State for Social Security, in exercise of powers conferred by sections 76 and 77 of, and Schedule 20 to the Social Security Act 1975(a), and of all other powers enabling him in that behalf, after reference to the Industrial Injuries Advisory Council(b), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 1990 and shall come into force on 13th December 1990.

Amendment of the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985

2.—(1) The Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985(c) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 1(2) (citation, commencement and interpretation) after the definition “medical board” there shall be inserted the following definition:

““metal” for the purposes of the disease number A10 in Part I of Schedule 1 to these Regulations, does not include stone, concrete, aggregate or similar substances for use in road or railway construction;”.

(3) In regulation 15B(3) (rounding) for the words “Where a reassessment” there shall be substituted the words “Where an assessment or a reassessment”.

Signed by authority of the Secretary of State for Social Security

15th November 1990

Nicholas Scott
Minister of State,
Department of Social Security

(a) 1975 c.14. Schedule 20 is cited for the meaning it ascribes to “Prescribe” and “Regulations”. Sub-section (4A) was inserted into section 76 by paragraph 4(1) of Schedule 6 to the Social Security Act 1990 (c.27) (“the 1990 Act”). Section 77(2) was amended by Schedule 5 to the Social Security and Housing Benefits Act 1982 (c.24) and paragraph 4(2) of Schedule 6 to the 1990 Act.

(b) See section 141(2) of the Social Security Act 1975.

(c) S.I. 1985/967, to which the relevant amendments are S.I. 1986/1561, 1987/2112 and 1989/1207.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985. They provide where the degree of disablement due to industrial deafness is assessed at less than 20 per cent. that percentage shall be disregarded for the purposes of assessing disablement. These Regulations also ensure that "metal" for the purposes of sensorineural hearing loss does not include stone, concrete, aggregate or similar substances for use in road or railway construction.

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STATUTORY INSTRUMENTS

1990 No. 000

STATISTICS OF TRADE

The Statistics of Trade Act 1947 (Amendment of
Schedule) Order 1990

Made - - - - 1990

Coming into force 1990

At the Court at Buckingham Palace, the day of 1990

Present

The Queen's Most Excellent Majesty in Council

Whereas by section 5 of the Statistics of Trade Act 1947(a) Her Majesty may by Order in Council amend the Schedule to the said Act by adding to the matters specified therein any other matter:

And whereas a draft of this Order has been laid before Parliament in accordance with the provisions of section 5(3) of the said Act and an address has been presented to Her Majesty by each House of Parliament praying that the Order be made:

Now, therefore, Her Majesty, in pursuance of the powers conferred upon Her by section 5 of the said Act, is pleased by and with the advice of Her Privy Council, to order and it is hereby ordered as follows:-

1. The Schedule to the Statistics of Trade Act 1947 (which specifies the matters about which a person may be required to furnish estimates or returns under the Act)(b) shall be amended so far as it applies, under section 1 of the Act, to inquiries by competent authorities(c), by adding to the matters specified therein the matters specified in the Schedule to this Order.

2. This Order may be cited as the Statistics of Trade Act 1947 (Amendment of Schedule) Order 1990 and shall come into force on the day after it is made.

Clerk of the Privy Council

(a) 1947 c.39. (b) The Schedule was amended by S.I. 1963/1329 and by S.I. 1987/669. (c) See Section 17(3) of the Act and S.I. 1971/719 (Article 3(2)), amended by S.I. 1989/992 (Article 6(3)).

SCHEDULE

ADDITIONAL MATTERS ABOUT WHICH PERSONS MAY BE REQUIRED TO FURNISH ESTIMATES OR RETURNS UNDER THE STATISTICS OF TRADE ACT 1947 IN RESPECT OF INQUIRIES UNDER SECTION 1 OF THE ACT

Income (including rents, interest and investment income) received or receivable by the undertaking; dividends and interest paid or payable; profits; losses; taxes paid or chargeable on income or gains; services acquired or used.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Schedule to the Statistics of Trade Act 1947, which contains the matters about which persons carrying on undertakings may be required to furnish estimates or returns under the Act, by adding the matters referred to in the Schedule to this Order.

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DRAFT STATUTORY INSTRUMENTS

1990 No. 000

EDUCATION, ENGLAND AND WALES

The Education Support Grants Regulations 1990

<i>Made - - - -</i>	<i>1990</i>
<i>Coming into force</i>	<i>1990</i>

In exercise of the powers conferred upon the Secretary of State by sections 1 and 3(4) of the Education (Grants and Awards) Act 1984(a), and after consulting, in accordance with section 3(5) of that Act, such bodies representing local education authorities as appear to them to be appropriate, the Secretary of State for Education and Science, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations, a draft of which has been laid before Parliament pursuant to section 3(2) of that Act and has been approved by resolution of each House of Parliament:—

Citation and Commencement

1. These Regulations may be cited as the Education Support Grants Regulations 1990 and shall come into force on the day after the day on which they are made.

Interpretation

2.—(1) In these Regulations —

“the Act” means the Education (Grants and Awards) Act 1984;

“approved expenditure” means any expenditure which is approved as provided in regulation 3;

“children” includes any person who has not attained the age of 19 years;

“education authority” means a local education authority;

“further education” has the meaning assigned to it by section 41 of the Education Act 1944(b);

“grant” means a grant in pursuance of these Regulations;

“higher education” has the meaning assigned to it by section 120(1) of the Education Reform Act 1988(c);

“institution of further or higher education” means an institution providing further education or higher education or both and either —

(a) maintained by an education authority; or

(b) designated by or under regulations(d) for the time being in force under section 218 of the Education Reform Act 1988 as an institution substantially dependent for its maintenance on assistance from local education authorities or on grants under section 100(1)(b) of the Education Act 1944(e);

(a) 1984 c.11. (b) 1944 c.31; section 41 was substituted by section 120(2) of the Education Reform Act 1988 (c.40). (c) 1988 c.40. (d) Regulations in which such institutions are currently designated are the Higher Education (Wales) Regulations 1989 (S.I. 1989/220), the Education (Schools and Further and Higher Education) Regulations 1989 (S.I. 1989/351) and the Education (Teachers) Regulations 1989 (S.I. 1989/1319, as amended by S.I. 1990/1561). (e) 1944 c.31, amended by section 213(3) of the Education Reform Act 1988 (c.40).

“prescribed expenditure” means expenditure by an education authority for or in connection with any of the purposes specified in the Schedule hereto;

“primary education” has the meaning assigned to it by section 8(1)(a) of the Education Act 1944(a), and “school” and “secondary school” have the meanings assigned to them by section 114 of that Act;

“racial group” has the meaning assigned to it by section 3(1) of the Race Relations Act 1976(b).

(2) In these Regulations a reference to a regulation is a reference to a regulation contained therein and a reference in a regulation to a paragraph is a reference to a paragraph of that regulation.

Expenditure in respect of which grants are payable

3. Grants shall only be payable in respect of prescribed expenditure incurred or to be incurred in a financial year to the extent to which that expenditure is approved for that year by the Secretary of State for the purposes of these Regulations.

Grants in respect of payments to third parties

4. Where –

- (a) an education authority incurs expenditure in making payments, whether by way of maintenance, assistance or otherwise, to any other body or persons (including another education authority) who incur expenditure for or in connection with educational purposes, and
- (b) that expenditure of the recipient of the payments or any part thereof would be prescribed expenditure if it were expenditure of the authority,

such payments shall to that extent be treated as prescribed expenditure for the purposes of these Regulations.

Rate of Grant

5.—(1) Subject to paragraphs (2) and (3), grants in respect of approved expenditure incurred on or after 1st April 1991 shall be payable at the rate of 60 per cent. of such expenditure.

(2) Grants in respect of approved expenditure incurred on or after 1st April 1991 in respect of item 2 or 3 in the Schedule hereto shall be payable at the rate of 50 per cent. of such expenditure.

(3) Grants in respect of approved expenditure incurred on or after 1st April 1991 in respect of item 27 in the Schedule hereto shall be payable at the rate of 70 per cent. of such expenditure.

Conditions for payment of grant

6.—(1) No payment of grant shall be made except in response to an application in writing from an education authority to the Secretary of State, authenticated by the officer of the authority responsible for the administration of their financial affairs or his deputy.

(2) Applications for the payment of grant which relate to expenditure incurred on or after 1st April 1991 shall relate to expenditure over one or more of the periods specified in paragraph (3) and shall specify the approved expenditure in respect of which grant is applied for which has been or which it is estimated will be incurred by the education authority during each such period.

(3) The periods referred to in paragraph (2) are –

- (a) for applications made by education authorities in England –
 - (i) 1st April to 31st July;
 - (ii) 1st August to 31st December;
 - (iii) 1st January to 31st March; and

(a) 1944 c.31; section 8(1)(a) was amended by section 3 of the Education (Miscellaneous Provisions) Act 1948 (c.40), and the definition of “school” in section 114 by section 34(1) of the Education Act 1980 (c.20) and by paragraph 7(3) of Schedule 12 to the Education Reform Act 1988 (c.40). (b) 1976 c.74.

(b) for applications made by education authorities in Wales –

- (i) 1st April to 30th June;
- (ii) 1st July to 30th September;
- (iii) 1st October to 31st December;
- (iv) 1st January to 31st March.

(4) Where an application relating to approved expenditure which has been or which it is estimated will be incurred during the period commencing on 1st January in 1991 and any subsequent year is submitted on or before 15th March in that year, such payment as the Secretary of State may determine but not exceeding three-quarters of the grant applied for in respect of that expenditure may be made forthwith, but no further payment of grant shall be made in respect of that expenditure until an application has been submitted in accordance with paragraph (5)(a).

(5) Each education authority that has received or seeks to receive a payment of grant in respect of expenditure incurred during the year ending on 31st March shall, during the period commencing on 1st April or as soon as practicable thereafter –

- (a) submit to the Secretary of State an application which shall specify the approved expenditure in respect of which grant has been or is being applied for which has been incurred by the education authority during that year; and
- (b) secure the submission to the Secretary of State of an unqualified certificate, signed by the auditor appointed by the Audit Commission to audit the accounts of the authority or any auditor qualified for such appointment by virtue of section 13(5) and (6) of the Local Government Finance Act 1982(a) certifying that in his opinion the particulars stated in the application submitted by the authority pursuant to this paragraph are fairly stated and that the expenditure incurred was approved for the purposes of section 1 of the Act.

(6) No payment of grant shall be made after 31st March 1991 in respect of expenditure incurred –

- (a) by an education authority in England in the period beginning on 1st August, or
- (b) by an education authority in Wales in the period beginning on 1st October

in any year or any subsequent period if grant was paid to the authority in respect of expenditure in the year ending on the preceding 31st March but the Secretary of State has not yet received the auditor's certificate referred to in paragraph (5)(b) for that year.

(7) Any under-payment or over-payment of grant which remains outstanding following receipt of the auditor's certificate referred to in paragraph (5)(b) shall, without prejudice to the recovery of any over-payment from any subsequent payment of grant to the education authority, be adjusted by payment between the authority and the Secretary of State.

7. Where at the time of approving expenditure for the purpose of these Regulations, the Secretary of State requests information in respect of any purpose listed in the Schedule hereto, payment of grant in respect of that purpose shall be conditional on that information being included in the authority's application for payment of grant.

8.—(1) The Secretary of State may from time to time determine further conditions on the fulfilment of which the making of any payment in pursuance of the Regulations shall be dependent.

(2) Where conditions have been determined in pursuance of this regulation no grant shall be payable unless such conditions have either been fulfilled or been withdrawn in pursuance of paragraph (3).

(3) The Secretary of State may determine to withdraw or, after consulting the education authority, vary conditions determined in pursuance of this regulation.

a) 1982 c.32.

Requirements to be complied with

9. Any education authority to whom a payment of grant has been made shall, if so required by the Secretary of State, furnish him with such further information as may be required to enable him to verify that any grant paid has been properly paid under these Regulations.

10. Any education authority to whom a payment of grant has been made shall comply with such requirements (including requirements as to the repayment of grant or the payment to the Secretary of State of other sums related to the value of assets acquired, provided or improved with the aid of grant or interest on sums due to him) as may be determined by the Secretary of State in the case in question.

Revocation and transitional provisions

11. The Education Support Grants Regulations 1984(a), the Education Support Grants (Amendment) Regulations 1987(b) and the Education Support Grants (Amendment) Regulations 1989(c) are hereby revoked, but nothing in this regulation shall prevent the Secretary of State making payments of grant authorised by those Regulations in respect of expenditure incurred on or before 31st March 1991, or affect any condition or requirement determined by or in accordance with any of the regulations so revoked.

1990

Secretary of State for Education and Science

1990

Secretary of State for Wales

(a) S.I. 1984/1098. (b) S.I. 1987/1960. (c) S.I. 1989/2446.

PURPOSES FOR OR IN CONNECTION WITH WHICH GRANTS ARE PAYABLE

1. The management and appraisal of school teachers, including training for the appraisal of school teachers.
2. The teaching of mathematics in schools.
3. The teaching of science and technology as part of primary education.
4. Projects to –
 - (a) improve the quality or the range of the curriculum provided in primary schools in rural areas;
 - (b) meet the educational needs of persons from ethnic minorities, to promote harmony between different racial groups or in other ways to prepare persons for life in a multi-ethnic society;
 - (c) promote social responsibility in children;
 - (d) broaden the range of languages learnt by pupils in secondary schools as their first foreign language.
5. The provision of data-processing equipment, and accessories and software for such equipment, for use in the management of institutions of further or higher education and the training of staff in the use of such equipment.
6. Developing the knowledge and appreciation, among pupils in schools in Wales, of the heritage, culture and language of Wales.
7. The development, provision and appraisal of support and training for school governors.
8. The provision of support for parents in the teaching of children under the age of five with special educational needs, as defined in section 1 of the Education Act 1981(a).
9. The provision of health education related in particular to the risks associated with alcohol, smoking, drug and solvent misuse, human immunodeficiency virus and acquired immune deficiency syndrome.
10. The organisation in urban areas of leisure-time activities of vocational benefit to young persons mainly between the ages of 14 and 21.
11. The development and support of methods of learning which do not require regular attendance at educational establishments, including activities connected with the Open College.
12. The development of the use of information technology for teaching and learning in schools by the provision of information technology equipment, staff and support for training.
13. The preparation and implementation of schemes for financing county and voluntary schools made under section 33 of the Education Reform Act 1988(b).
14. The preparation and implementation of schemes for financing locally funded further and higher education made under section 139 of the Education Reform Act 1988.
15. The development and appraisal of courses of training for governors of institutions of further or higher education.
16. The development and improvement of the inspection and advisory services provided by education authorities with a view to –
 - (a) monitoring the quality of education provided by the authority in schools, and
 - (b) providing advice in relation to the national curriculum (as defined in section 2 of the Education Reform Act 1988) and the delegation of financial management pursuant to schemes made under section 33 of that Act.
17. Helping schools to implement to the requirements of Chapter I of Part I of the Education Reform Act 1988 relating to the basic curriculum (as defined in section 2 of that Act) and collective worship.
18. The training of teachers in schools to improve pupils' use and understanding of the English language, with particular reference to the recommendations of the report of the Committee of Inquiry into the Teaching of English Language appointed by the Secretary of State for Education and Science under the chairmanship of Sir John Kingman, published by Her Majesty's Stationery Office in March 1988(c).

(a) 1981 c.60. (b) 1988 c.40. (c) ISBN 0 11 270650 9

19. The training of teachers in Wales to teach Welsh as part of the national curriculum (as defined in item 16(b) above).
 20. (i) The provision in urban areas of England of training to enable young people to qualify as youth workers, being training designed primarily for those between the ages of 18 and 25.
(ii) The provision of corresponding training in Wales within the Boroughs of Dinefwr, Llanelli, Blaenau Gwent, Islwyn, Torfaen, Cynon Valley, Merthyr Tydfil, Ogwr, Rhymney Valley, Taff Ely, Brecknock, Lliw Valley, Neath and Port Talbot and the City of Swansea.
 21. The provision of open learning centres to provide tuition for adults in literacy, numeracy and related communication skills.
 22. The improvement of educational guidance services for adults including the development of computer databases of local learning opportunities.
 23. The improvement of provision for pupils whose behaviour poses difficulties for schools, and of support services for schools in dealing with such pupils.
 24. Action to improve rates of attendance in schools.
 25. The development of schemes for the local recruitment of teachers.
 26. The promotion of the improved transmission between education authorities and the Department of Education and Science of information relating to the employment of teachers.
 27. The provision of support for the English Districts of the Workers' Educational Association.
 28. The improvement of the planning and co-ordination of educational provision for children aged under 5 made by education authorities and other bodies.
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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate, with amendments, the Education Support Grants Regulations 1984, as amended. In addition to minor and drafting amendments, the following changes of substance are made.

Grant is no longer payable to local education authorities in England in respect of periods of three months but in respect of the periods prescribed in regulation 6(3)(a).

Additional obligations are placed on local education authorities to provide the Secretary of State with information required to enable him to verify that any grant paid has been properly paid under the Regulations (regulation 9) and to comply with such other conditions and requirements as may be determined by the Secretary of State (regulations 8 and 10).

The purposes for or in connection with which grants are payable set out in the Schedule have been revised. A number of purposes have been deleted or amended and item 28 has been added.

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DRAFT STATUTORY INSTRUMENTS

1990 No.

MERCHANT SHIPPING

**The General Lighthouse Authorities (Beacons :
Hyperbolic Systems) Order 1990**

Made - - - - 1990

Coming into force- 1990

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

Now therefore, the Secretary of State for Transport, in exercise of the powers conferred on him by section 34(3) of the Merchant Shipping Act 1979(a) and of all other powers enabling him in that behalf, hereby makes the following Order:

1. This Order may be cited as the General Lighthouse Authorities (Beacons : Hyperbolic Systems) Order 1990 and shall come into force on the fourteenth day after the day on which it is made.

2. All references to a beacon in Part XI of the Merchant Shipping Act 1894(b) shall be construed as including equipment and support facilities provided for broadcasts in the frequency range 90kHz – 100 kHz from any transmitters situate in the United Kingdom which forms part of a position fixing system known as the Loran C system.

Signed by authority of
the Secretary of State for Transport
1990

Minister of State,
Department of Transport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the references to a beacon in Part XI of the Merchant Shipping Act 1894 to include equipment and facilities in the United Kingdom which form part of a position fixing system known as the Loran C system. The equipment and facilities would thus become subject to the superintendence and management of the General Lighthouse Authorities if the system were introduced into the United Kingdom.

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DRAFT STATUTORY INSTRUMENTS

1990 No.

INCOME TAX

The Debts of Overseas Governments (Determination of Relevant Percentage) Regulations 1990

<i>Made</i>	- - - -	1990
<i>Coming into force</i>	-	1990

The Treasury, in exercise of the powers conferred on them by section 88B of the Income and Corporation Taxes Act 1988(a), hereby make the following Regulations, a draft of which has been laid before, and approved by a resolution of, the House of Commons:

Citation and commencement

1. These Regulations may be cited as the Debts of Overseas Governments (Determination of Relevant Percentage) Regulations 1990 and shall come into force on 1990.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the A, B and C factors” mean the factors so described in Schedule 1 to these Regulations;

“debt” means a debt to which section 88A(2) of the Income and Corporation Taxes Act 1988(b) applies;

“overseas State authority” has the same meaning as in section 88A(4) of the Income and Corporation Taxes Act 1988;

“the principal section” means section 88B of the Income and Corporation Taxes Act 1988.

(2) For the purposes of these Regulations a debt is connected with a State or territory—

(a) in the case of a debt which is owed by, or payment of which is guaranteed by, an overseas State authority, when it is the State or territory by reference to which the overseas State authority is an overseas State authority; and

(b) in the case of a debt due payment of which is or may be prevented, restricted or subject to conditions—

(i) by virtue of any law of a State or other territory outside the United Kingdom or any act of an overseas State authority, or

(ii) under any agreement entered into in consequence or anticipation of such a law or act,

when it is the State or territory whose law it is or by reference to which the overseas State authority is an overseas State authority.

(a) 1988 c.1; section 88B was inserted by section 74 of the Finance Act 1990 (c.29).

(b) Section 88A was inserted by section 74 of the Finance Act 1990.

Determination of relevant percentage

3.—(1) This regulation provides for the determination of the percentage of a debt by reference to the position at the end of a period of account of a company for the purposes of subsections (2) and (3) of the principal section.

(2) Subject to paragraph (4), the percentage referred to in paragraph (1) shall be that given by Schedule 2 to these Regulations as corresponding to the number which is found by—

- (a) aggregating the numerical values (as adjusted where necessary in accordance with paragraph (5)) attributed by Schedule 1 to these Regulations to such of the A, B and C factors as are applicable at the end of the period of account in question in the case of the State or territory with which the debt is connected,
- (b) aggregating the values (as so adjusted) attributed to such of those factors as are so applicable at the end of each of the four consecutive periods of three months which end with the period ending three months before the end of the period of account in question, and
- (c) calculating the figure which results from dividing the aggregate of the values at the end of each of the periods referred to in sub-paragraphs (a) and (b) by the number of those periods and, if that figure is not a whole number, rounding it up to the next whole number.

(3) Paragraph (4) applies where—

- (a) at the end of a period of account of a company, or
- (b) at the end of one of the four consecutive periods of three months which end with the period of three months before the end of a period of account of a company, (in paragraph (4) referred to as “the attributed value date”) it is found that a numerical value of ten or more is attributed for the first time by Schedule 1 to these Regulations in the case of the State or territory with which the debt is connected.

(4) Where this paragraph applies—

- (a) for the purposes of the aggregation required by paragraph (2)(b) only those values shall be taken into account which are attributed to factors which are applicable in the case of the State or territory in question at the end of the consecutive periods of three months ending on or after the first attributed value date, and
- (b) for the purposes of the calculation required by paragraph (2)(c) only those periods shall be taken into account which end on or after the first attributed value date.

(5) Where the aggregated numerical values attributed by Schedule 1 to these Regulations to such of the A, B and C factors as are applicable at the end of a period are less than 15, those values shall be adjusted by attributing to the C factors one half of the numerical values attributed by that Schedule in place of the values actually so attributed.

Transitional provisions

4.—(1) In relation to the last period of account of a company ending before 20th March 1990, in regulation 3(2) sub-paragraphs (b) and (c) shall be omitted.

(2) In relation to periods of account of the company—

- (a) ending on or after 20th March 1990 and before 20th June 1990, in regulation 3(2)(b) the words “each of the four consecutive periods of three months which end with” shall be omitted;
- (b) ending on or after 20th June 1990 and before 20th September 1990, in regulation 3(2)(b) for the word “four” there shall be substituted the word “two”;
- (c) ending on or after 20th September 1990 and before 20th December 1990, in regulation 3(2)(b) for the word “four” there shall be substituted the word “three”.

(3) Where, in relation to a period of account of the company, regulation 3(2) applies as modified by paragraph (1) or (2), regulation 3(4) shall have effect as if the references in that paragraph to paragraph (2)(b) and (c) were to those sub-paragraphs as so modified.

A, B AND C FACTORS

INTRODUCTORY

1.—(1) In this Schedule—

“arrears” in relation to repayment of debt, or the payment of interest on debt, do not include arrears arising out of temporary administrative delay which are expected to be corrected within a reasonable period of time and “in arrear” shall be construed accordingly;

“external creditor” in relation to a debt, means a creditor which is an international financial institution, an overseas State authority (other than one which is an overseas State authority by reference to the State or territory with which the debt is connected) and any other creditor who is resident outside the State or territory by reference to which section 88A(2) of the Income and Corporation Taxes Act 1988 applies to the debt;

“international financial institution” means the International Monetary Fund, the World Bank, the International Bank for Reconstruction and Development, the International Development Agency, the International Finance Corporation and any regional development bank;

“regional development bank” means any of the European Investment Bank, the African Development Bank, the Asian Development Bank, the Caribbean Development Bank, the Inter-American Development Bank, and any other investment or development bank constituted by international agreement which is for the time being specified in Schedule 2 to the Banking Act 1987(a).

(2) References in this Schedule—

(a) to the relevant date are references to the end of any period of account or period of three months at which the applicability of the A, B and C factors is in question for the purposes of determining a percentage under these Regulations;

(b) to an agreement to reschedule or restructure obligations do not include an agreement by a State or territory to make repayment of debt and payment of outstanding interest in full at an earlier date than the due date or to make future such repayments or payments by reference to earlier dates than the due dates;

(c) to the figures for the latest available period and at the latest available date are respectively to the figures for the latest period of twelve months ending before the relevant date for which figures are available and to the figures at the latest date before the relevant date for which figures are available.

THE A FACTORS

2. The A factors in the case of a State or territory, which are factors which show the inability or unwillingness of the State or territory to meet its obligations when they are due or thereafter, and the numerical values attributable to them are those given by Table A below.

Table A

<i>Factor</i>	<i>Numerical value</i>
(1) The State or territory has taken unilateral action to suspend, either in whole or in part, repayment of debts or payment of interest on debts to a general class of external creditors and at the relevant date the suspension has been in effect—	
for three months or less, or is about to end;	2
for more than three months but not more than one year;	4
for more than one year but not more than three years;	8
for more than three years.	12
(2) (a) The State or territory has entered into an agreement to reschedule or restructure its obligations as to repayment of debts, or payment of interest on debts, to external creditors and at the relevant date the agreement was entered into—	
more than three years ago but not more than five years ago;	6
more than two years ago but not more than three years ago;	8

(a) 1987 c.22.

Table A - continued

<i>Factor</i>	<i>Numerical value</i>
two years ago or less or has only been reached in principle.	12
(b) The State or territory within the period of five years preceding the relevant date has refused to co-operate in a rescheduling or restructuring of its obligations as to repayment of debts, or payment of interest on debts, to external creditors and either-	
(i) has imposed a limit on its performance of such obligations, without the agreement of those creditors, or	
(ii) has had severe problems in performing those obligations, so that it might have been expected to have entered into an agreement on more than one occasion to reschedule or restructure them and, if it had done so, would be likely still to have arrears of repayment or interest at the relevant date.	12
(3) (a) The State or territory has entered into a further agreement to reschedule or restructure obligations as to repayment of debt to external creditors which have already been rescheduled or restructured since January 1983 and at the relevant date the further agreement was entered into-	
more than two years ago but not more than five years ago;	6
more than one year ago but not more than two years ago;	8
one year ago or less or has only been reached in principle.	12
(b) The State or territory within the period of five years preceding the relevant date has refused to co-operate in a rescheduling or restructuring of its obligations as to repayment of debt to external creditors and either-	
(i) has imposed a limit on the performance of such obligations without the agreement of those creditors, or	
(ii) has had severe problems in performing those obligations, so that it might have been expected to have entered into an agreement on more than one occasion to reschedule or restructure them and, if it had done so, would be likely still to have arrears of repayment at the relevant date.	12

THE B FACTORS

3. The B factors in the case of a State or territory, which are factors which show that the State or territory has current difficulties in meeting its obligations, and the numerical values attributable to them are those given by Table B below.

Table B

<i>Factor</i>	<i>Numerical value</i>
(4) The State or territory is in arrear in repaying debt, or in paying interest on debt, to one or more international financial institutions so that, in the case of the International Monetary Fund, it has been declared ineligible to draw on the general resources of that Fund as held in the General Resources Account or any account which may be substituted for it by amendment of the Articles of Agreement of that Fund or, in the case of the World Bank, the International Bank for Reconstruction and Development, the International Development Agency, the International Finance Corporation or a regional development bank, disbursement of loans to it has stopped and at the relevant date the arrears in question have existed-	
for less than two years;	10
for two years or more.	15
(5) The State or territory is in arrear in repaying debt to external creditors other than international financial institutions, the arrears have neither been the subject of a rescheduling or restructuring agreement nor been	