



# Government Trading Act 1990

## 1990 CHAPTER 30

### 2 Minor and consequential amendments related to section 1

(1) In section 3 of that Act (payments into and out of funds)—

(a) for subsection (1) there is substituted—

“(1) There shall be paid into a trading fund all receipts in respect of the funded operations and there shall be paid out of the fund all expenditure incurred by the responsible Minister in respect of those operations, except expenditure in respect of liabilities not appropriated to the fund.”

(b) in subsection (2), for “(1)(b)” there is substituted “(1)” and after “pensions” there is inserted “(including increases of pensions)”, and

(c) after subsection (3) there is inserted—

“(4) Nothing in this section affects the powers conferred in relation to fees and charges by section 102 of the Finance (No. 2) Act 1987.”

(2) In section 4 of that Act (management and accounting)—

(a) in subsection (1), “for any Crown service” is omitted and in paragraph (a), after “fund”, there is inserted—

“(i) consists principally of receipts in respect of goods or services provided in the course of the funded operations, and

(ii)”,

(b) in subsection (3), for the words from “and” to “paid” there is substituted “he may with Treasury concurrence pay that amount out of the fund and”,

(c) for subsection (4) there is substituted—

“(4) If, in the case of a trading fund not having public dividend capital, the revenues of the fund for a financial year exceed the total sums properly chargeable to revenue account for that year, the responsible Minister may with Treasury concurrence—

(a) apply the excess for such purposes of the funded operations as he may determine, or

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*Status: This is the original version (as it was originally enacted).*

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- (b) pay the whole or part of the excess into the Consolidated Fund.”
  - (d) in subsection (6), in paragraph (a)—
    - (i) for “be in a form approved by the Treasury” there is substituted “comply with any directions given by the Treasury as to the information to be contained in the statement, the manner in which the information is to be presented or the methods and principles according to which the statement is to be prepared”, and
    - (ii) “with respect to financial results in the previous year” is omitted,
  - (e) after that subsection there is inserted—
    - “(6A) The accounting officer shall send to the responsible Minister in respect of each financial year—
      - (a) the annual statement of accounts, and
      - (b) a report in such form and containing such information as to the performance of the funded operations as the Treasury may require,

and the responsible Minister shall publish any report received by him under this subsection, together with the annual statement of accounts (unless the Treasury otherwise directs), in such manner as the Treasury may require.
    - (6B) Where any enactment (other than this Act) requires, in whatever terms, a report to be prepared for any period as to the funded operations and sent to any person, or laid before Parliament, or both or so sent or laid by any time or times, an order may provide for that requirement to be treated as satisfied by preparing the report for the financial year and sending it to that person, or laying it before Parliament, or both or, as the case may be, so sending or laying it by the time or times specified in the order.”, and
  - (f) in subsection (7), for the words from “the operations” to “this Act” there is substituted “any operations of a department of the government are funded operations of a trading fund” and for “that service” there is substituted “those operations”.
- (3) In section 6 (orders)—
- (a) for subsection (1) there is substituted—
    - “(1) The power to make an order under section 1 of this Act shall be exercisable by statutory instrument and includes power to vary or revoke such an order, but no such order may alter the authorised lender in relation to any fund.”,
  - (b) in subsection (2), for “under section 1 above” there is substituted “establishing a trading fund, or extending or restricting the funded operations,”,
  - (c) in subsection (3), for the words from the beginning to “has” there is substituted “A statutory instrument containing an order under section 1 of this Act, if made without a draft having”, and
  - (d) for subsection (4) there is substituted—
    - “(4) Where a Minister of the Crown has taken steps in pursuance of section 1(3) of this Act to give an opportunity for representations to be made about a proposed order, he shall, before laying, in accordance

with subsection (2) above, a draft instrument containing the order giving effect to the proposal, lay a report before Parliament about the representations received and his conclusions.”

- (4) In section 7 (the Mint)—
- (a) in subsection (1), for “section 2 or 4” there is substituted “sections 2, 2A, 4 or 4A”, and
  - (b) in subsection (2), for “financed by means of a trading fund” there is substituted “funded operations”.
- (5) That Act, as amended by section 1 of this Act and this section, is set out in Schedule 1 to this Act.