



# Government Resources and Accounts Act 2000

## 2000 CHAPTER 20

### *Public-private partnerships*

#### **16 Expenditure.**

- (1) The Treasury—
  - (a) may incur expenditure in respect of the establishment of a body for the purpose of carrying on public-private partnership business,
  - (b) may incur expenditure for the purposes of investing in the body (whether by acquiring assets, securities or rights or otherwise), and
  - (c) may provide loans and guarantees and make other kinds of financial provision to or in respect of the body.
- (2) The powers under subsection (1)(b) and (c)—
  - (a) may not be exercised in respect of more than one body, and
  - (b) may be exercised only in connection with public-private partnership business carried on or to be carried on by the body.

#### **17 Section 16: interpretation.**

- (1) In section 16 “public-private partnership business” means participation in public-private partnerships whether as an investor, a consultant or otherwise.
- (2) In particular, “public-private partnership business” includes the provision of advisory or financial services in connection with specific public-private partnerships or public-private partnerships generally—
  - (a) whether the services are provided to public bodies or to private persons, and
  - (b) whether or not the services are provided on terms and conditions about payment, consideration or other matters.
- (3) In this section “public-private partnerships” means projects and undertakings the resources for which are provided partly by public bodies and partly by private persons.

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*Changes to legislation:* There are currently no known outstanding effects for the Government Resources and Accounts Act 2000, Cross Heading: Public-private partnerships. (See end of Document for details)

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- (4) In subsection (3) “resources” includes funds, assets, professional skills and any other kind of commercial resource.
- (5) In this section “public body” means a government department or a body exercising public functions.
- (6) In this section—
  - (a) “projects and undertakings” includes projects and undertakings carried on wholly or partly outside the United Kingdom, and
  - (b) a reference to public functions is not confined to public functions of the United Kingdom.
- (7) In section 16 a reference to a body includes a reference to—
  - (a) a group of bodies,
  - (b) a partnership or enterprise carried on by one or more persons or bodies, and
  - (c) a body (including a body within the meaning of paragraph (a) or (b)) which is substantially the same as, or which is a successor to, another body.

## **18 Investment: limit.**

- (1) The Treasury shall ensure that the aggregate of outstanding expenditure under section 16(1)(b) and (c) does not at any time exceed £400 million.
- (2) For the purpose of subsection (1)—
  - (a) outstanding expenditure in respect of the acquisition of assets, securities and rights shall be taken to be the aggregate of amounts paid for the acquisition of assets, securities and rights which have not been disposed of,
  - (b) outstanding expenditure in respect of a loan shall be taken to be the amount outstanding in respect of the principal,
  - (c) outstanding expenditure in respect of a guarantee shall be taken to be the aggregate of amounts which have been paid in fulfilment of it and in respect of which the Treasury have not been reimbursed, and
  - (d) the Treasury shall make arrangements for evaluating outstanding expenditure in respect of anything done under section 16(1)(b) or (c) which is not addressed by paragraphs (a) to (c) above.
- (3) The Treasury may by order substitute a new amount for the amount for the time being specified in subsection (1).
- (4) An order under subsection (3)—
  - (a) shall be made by statutory instrument, and
  - (b) shall not be made unless a draft has been laid before, and approved by resolution of, each House of Parliament.

## **19 Expenditure: supplementary.**

- (1) Expenditure by the Treasury for the purposes of section 16 shall, subject to subsection (2), be paid out of money provided by Parliament.
- (2) Sums required for fulfilling guarantees given under section 16 shall be charged on and issued out of the Consolidated Fund.

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- (3) Sums received by the Treasury in connection with anything done under section 16 shall be paid into the Consolidated Fund.

## **20 Investment by devolved administrations.**

- (1) Any of the following may incur expenditure for the purpose of investing in the body mentioned in section 16—
- (a) the Scottish Ministers,
  - (b) the Northern Ireland departments, and
  - (c) the National Assembly for Wales.
- (2) Subsection (1)—
- (a) shall have effect notwithstanding an enactment which restricts the activities of a person or body mentioned in that subsection to matters relating to a particular Part or area of the United Kingdom, and
  - (b) shall not be construed as preventing or restricting any action which a person or body has power to take without reliance on that subsection.
- (3) The power under subsection (1) may be used only for the purpose of—
- (a) the acquisition from the Treasury of shares of a kind which are required by the body's articles of association to be issued to the Treasury (and which may be transferred by the Treasury), and
  - (b) such other forms of investment (whether by the acquisition of assets, securities, rights or otherwise) as the Treasury may specify by order.
- (4) An order under subsection (3)(b)—
- (a) may relate generally to persons and bodies mentioned in subsection (1) or to one or more specified persons or bodies,
  - (b) may make different provision for different purposes,
  - (c) shall be made by statutory instrument, and
  - (d) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Changes to legislation:**

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