



# International Development Act 2002

## 2002 CHAPTER 1

### PART 2

#### MISCELLANEOUS AND GENERAL

##### *International financial institutions*

#### **11 Multilateral development banks**

- (1) This section applies where the Government of the United Kingdom is at the time this section comes into force, or at a later time becomes, bound to make a relevant payment to a multilateral development bank.
- (2) For the purposes of this section—
  - “multilateral development bank” means an international financial institution having as one of its objects economic development, either generally or in any region of the world; and
  - “relevant payment”, in relation to such a bank, means—
    - (a) an initial subscription, or other initial contribution to the capital stock of the bank, that the international agreement for the establishment and operation of the bank requires the members of the bank to make, or
    - (b) a further payment to the bank required to be made by the members under any arrangements.
- (3) The [<sup>F1</sup>Minister] may—
  - (a) on behalf of the Government of the United Kingdom, make—
    - (i) the relevant payment, or
    - (ii) where it has been paid, any payment required to maintain its value; or
  - (b) make a payment to redeem any non-interest-bearing and non-negotiable notes, or other obligations, issued or created by him, that are accepted by the bank in accordance with the agreement or arrangements under which the relevant payment is required to be made.

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- (4) Subsection (3) applies to a payment only if it is approved for the purposes of this section by an order made <sup>F2</sup>—
- (a) by the Treasury, or
  - (b) by the Secretary of State with the approval of the Treasury.]
- (5) No order shall be made under subsection (4) unless a draft of it has been laid before and approved by the House of Commons.

#### **Textual Amendments**

- F1** Word in s. 11(3) substituted (10.1.2018) by [The Transfer of Functions \(International Development\) Order 2017 \(S.I. 2017/1283\)](#), art. 1(2), **Sch. para. 8(2)** (with art. 3)
- F2** Words in s. 11(4) substituted (10.1.2018) by [The Transfer of Functions \(International Development\) Order 2017 \(S.I. 2017/1283\)](#), art. 1(2), **Sch. para. 8(3)** (with art. 3)

## **12 Immunities and privileges of international financial institutions**

- (1) Her Majesty may by Order in Council make such provision as She considers reasonably necessary for giving effect to any relevant provision of the agreement establishing an international financial institution.
- (2) For this purpose a provision is “relevant” if it relates to the status, immunities or privileges of—
- (a) the international financial institution,
  - (b) its governors, directors or executive-directors or alternates, or
  - (c) its officers or employees.
- (3) For the purposes of this section the following are “international financial institutions”—
- (a) the International Bank for Reconstruction and Development;
  - (b) the International Finance Corporation;
  - (c) the International Development Association.
- (4) No recommendation may be made to Her Majesty in Council to make an Order under this section unless a draft of the Order has been laid before Parliament and approved by resolution of each House of Parliament.
- (5) The Secretary of State may by order amend subsection (3) by making additions to or deletions from the institutions that are for the time being listed there.
- (6) This section is without prejudice to the powers conferred by the International Organisations Act 1968 (c. 48) or any other Act.

### *Commonwealth Scholarship Commission*

## **13 Commonwealth Scholarship Commission**

- (1) There shall continue to be a Commission known as the Commonwealth Scholarship Commission in the United Kingdom (“the Commission”).
- (2) The Commission shall consist of—

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- (a) a chairman, and
  - (b) not less than nine nor more than fourteen other members,  
appointed by the Secretary of State.
- (3) Not less than four of the members shall be persons appointed as the holders of high academic office.
- (4) Schedule 2 has effect with respect to the Commission.

## **14 Functions of the Commission etc**

- (1) It is the duty of the Commission to—
- (a) select the recipients of awards arising out of the Commonwealth Scholarship and Fellowship Plan to persons coming to the United Kingdom,
  - (b) make arrangements—
    - (i) for placing the recipients at institutions within the further education sector or higher education sector<sup>[F3]</sup>, at 16 to 19 Academies] or at other appropriate establishments in the United Kingdom, and
    - (ii) for the supervision of their work during the period of their awards,
  - (c) select persons to be put forward as candidates from the United Kingdom for awards that—
    - (i) arise out of the Plan, and
    - (ii) are to be granted in countries outside the United Kingdom, and
  - (d) discharge any other functions under the Plan that the Secretary of State may assign to the Commission.
- (2) In discharging their functions, the Commission must comply with any direction given to them by the Secretary of State.
- (3) The Secretary of State may not give any direction for the selection or rejection of any particular person for an award or as a candidate for an award.
- (4) The persons selected under subsection (1)(a) must be Commonwealth citizens or British protected persons (within the meaning of the British Nationality Act 1981 (c. 61)), except where the Commission for special reasons approved by the Secretary of State otherwise determine.
- (5) The Secretary of State may—
- (a) make such awards as are mentioned in subsection (1)(a), or
  - (b) supplement such awards as are mentioned in subsection (1)(c).
- (6) In this section—
- “the Commission” has the same meaning as in section 13;
  - “the Commonwealth Scholarship and Fellowship Plan” means the Plan of that name put forward by the Commonwealth Development Conference held at Oxford in July 1959;
  - “further education sector”—
    - (a) in relation to England and Wales, has the meaning given in section 91 of the Further and Higher Education Act 1992 (c. 13), and
    - (b) in relation to Scotland, includes—

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- (i) colleges of further education with a board of management within the meaning of section 36 of the Further and Higher Education (Scotland) Act 1992 (c. 37),
- (ii) colleges of further education maintained by an education authority in the exercise of its further education functions in providing courses of further education within the meaning of section 1(5)(b)(ii) of the Education (Scotland) Act 1980 (c. 44), and
- (iii) central institutions within the meaning of section 135 of the Education (Scotland) Act 1980;
  - “higher education sector”—
  - (a) in relation to England and Wales, has the meaning given in section 91 of the Further and Higher Education Act 1992, and
  - (b) in relation to Scotland, has the meaning given in section 56(2) of the Further and Higher Education (Scotland) Act 1992; and
  - “United Kingdom” includes the Channel Islands and the Isle of Man.

#### Textual Amendments

- F3** Words in s. 14(1)(b)(i) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 13 para. 12](#); [S.I. 2012/924](#), art. 2

#### Miscellaneous repeals

### 15 Repeals in the Overseas Development and Co-operation Act 1980

The following provisions of the Overseas Development and Co-operation Act 1980 (c. 63) shall cease to have effect—

- (a) section 3 (abortive exploratory expenditure connected with overseas enterprises);
- (b) section 7 (the Asian Development Bank);
- (c) section 8 (guarantees of International Bank’s loans to colonial territories).

#### General

### 16 Financial provision

- (1) There shall be paid out of money provided by Parliament—
  - (a) any expenses incurred by the Secretary of State by virtue of this Act;
  - (b) any sums required by him for fulfilling any guarantee given under this Act;
  - (c) any increase attributable to this Act in the sums payable out of money so provided by virtue of any other Act.
- (2) There shall be paid into the Consolidated Fund any sums received by the <sup>F4</sup>Minister—
  - (a) by way of interest on, or repayment of, a loan made under this Act,
  - (b) as a result of the disposal of any securities acquired under this Act, or by way of a dividend or other payment in respect of such securities, or

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(c) by way of payment under section 7 for any assistance under this Act, other than financial assistance.

(3) In this section “securities” has the same meaning as in section 6.

#### Textual Amendments

**F4** Word in s. 16(2) substituted (10.1.2018) by [The Transfer of Functions \(International Development\) Order 2017 \(S.I. 2017/1283\)](#), art. 1(2), **Sch. para. 9** (with art. 3)

## 17 Interpretation

(1) In this Act—

“assistance” has the meaning given in section 5;

“country” includes any territory or region;

“development assistance” has the meaning given in section 1.

[<sup>F5</sup>“the Minister” has the meaning given in section 1.]

(2) For the purposes of this Act references to the population of a country include references to any future population of the country and to any part of the population (present or future).

#### Textual Amendments

**F5** Words in s. 17(1) inserted (10.1.2018) by [The Transfer of Functions \(International Development\) Order 2017 \(S.I. 2017/1283\)](#), art. 1(2), **Sch. para. 10** (with art. 3)

## 18 Orders

(1) Any power conferred by this Act to make an order is exercisable by statutory instrument.

(2) A statutory instrument made by the Secretary of State under any power conferred by this Act to make an order, except an order under section 11(4) or 20(2), is subject to annulment in pursuance of a resolution of either House of Parliament.

(3) A statutory instrument made by the Scottish Ministers under the power conferred by section 9(5) is subject to annulment in pursuance of a resolution of the Scottish Parliament.

## 19 Consequential amendments and repeals

(1) Schedule 3 (consequential amendments) has effect.

(2) The enactments specified in Schedule 4 are repealed to the extent specified.

## 20 Short title, commencement and extent

(1) This Act may be cited as the International Development Act 2002.

(2) This Act shall come into force on such day as the Secretary of State may by order appoint.

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- (3) Schedule 5 (which makes transitional provisions and savings in connection with the commencement of this Act) has effect.
- (4) Any amendment contained in Schedule 3 or repeal contained in Schedule 4 has the same extent as the enactment to which it relates.
- (5) Subject to that, this Act extends to Northern Ireland.

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**Subordinate Legislation Made**

**P1** [S. 20\(2\)](#) power fully exercised: 17.6.2002 appointed by [S.I. 2002/1408](#), [art. 2](#)

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**Changes to legislation:**

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