

EXPLANATORY MEMORANDUM TO
THE COMMON INVESTMENT (AMENDMENT) SCHEME 2007

2007 No. 1095

1. This explanatory memorandum has been prepared by the Department for Constitutional Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

- 2.1 The Common Investment Scheme 2004 (S.I. 2004/266, “the Scheme”) governs the common investment fund established under section 42 of the Administration of Justice Act 1982 for the investment of funds in court.
- 2.2 Section 42(5)(b) permits the Accountant General of the Supreme Court of Judicature of Northern Ireland (“AGNI”) to hold units in the common investment fund but the Scheme itself refers only to the Accountant General of the Supreme Court of England and Wales.
- 2.3 This statutory instrument amends the Scheme so that the phrase “Accountant General” in paragraph 9(3) of Schedule 2 to the Scheme includes a reference to both the Accountant General of the Supreme Court of England and Wales and to the AGNI.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 None

4. **Legislative Background**

- 4.1 Paragraph 9(3) of Schedule 2 of the Common Investment Scheme 2004 provides that, where the Accountant General has informed the investment manager of the number of units he wishes to purchase or realise on any valuation day, he must if necessary revise the number in the light of buying and selling prices and inform the investment manager accordingly.
- 4.2 This instrument amends the Scheme so that AGNI is included in paragraph 9(3).

5. **Territorial Extent and Application**

- 5.1 This instrument applies to England and Wales, and Northern Ireland.

6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The AGNI is permitted by section 42(5)(b) of the Administration of Justice Act 1982 to hold units in the common investment fund established under section 42 of that Act, but has not previously exercised that right.

7.2 The AGNI now wishes to exercise his right to hold units in the fund.

7.3 The provisions of the Common Investment Scheme 2004 (S.I 2004/266) which apply to investors in general apply to the AGNI, but paragraph 9(3) of Schedule 2 of the Scheme as currently drafted applies only to the Accountant General of the Supreme Court of England and Wales.

7.4 This instrument amends the Scheme so that paragraph 9(3) applies to the Accountant General of the Supreme Court of England and Wales and the AGNI.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument, as it has no impact on business, charities or voluntary bodies.

9. Contact

Jill Martin at the Public Guardianship Office Tel: 020 7664 7051 or e-mail: jill.martin@guardianship.gsi.gov.uk can answer any queries regarding the instrument.