1970 No. 253 [C]

CONTROL OF BORROWING

ORDER, DATED 5TH OCTOBER 1970, MADE BY THE MINISTRY OF FINANCE UNDER SECTION 2 OF THE LOANS GUARANTEE AND BORROWING REGULATION ACT (NORTHERN IRELAND) 1946.

The Ministry of Finance for Northern Ireland in the exercise of the powers conferred upon it by Section 2 of the Loans Guarantee and Borrowing Regulation Act (Northern Ireland) 1946(**a**) and of all other powers enabling it in that behalf hereby makes the following Order:—

1. The Control of Borrowing Order (Northern Ireland) 1962(**b**) as amended by the Control of Borrowing (Amendment) Order (Northern Ireland) 1968(**c**) shall be further amended by the substitution for Article 8A thereof of the following article:—

"**8A.**—(1) Subject to the provisions of this Article, nothing in Part I of this Order applies to any transaction unless—

(*a*) the transaction is effected by or on behalf of a person resident outside the United Kingdom, and is not a transaction consisting of or including the issue of non-sterling securities, or

(*b*) the transaction is effected by or on behalf of an investment trust company which is resident in the scheduled territories but outside the United Kingdom, or

(*c*) the transaction is effected by a local authority.

(2) The exemption contained in the foregoing paragraph shall not apply to—

(*a*) the issue of any of the securities mentioned in paragraphs 1 to 5 of Part II of Schedule 1 to the Trustee Investments Act 1961(**d**), unless the terms on which the securities are to be issued have, before the making of the issue, been approved by the Ministry or by the Bank of England on behalf of the Ministry;

(*b*) the issue of any sterling securities where the amount of the money to be raised by the issue is not less than £1 million, unless the time at which the securities are to be issued has, before the making of the issue, been approved by the Ministry or by the Bank of England on behalf of the Ministry.

(3) In this article—

"investment trust company" means a body corporate whose functions consist wholly or mainly in the holding of investments or other property;

"non-sterling securities means securities on which capital moneys, dividends and interest are payable solely in a currency other than sterling, and "sterling securities" means any securities other than non-sterling securities.

(**a**) 1946. c. 18 (N.I.).
(**b**) S.R. & O. (N.I.) 1962, No. 187.
(**c**) S.R. & O. (N.I.) 1968, No. 195.
(**d**) 9 & 10 Eliz. 2, c. 62.

(4) For the purposes of this article, a person being a body corporate shall be deemed to be resident where the central management and control of its trade or business are exercised."

2. The Control of Borrowing (Amendment) Order (Northern Ireland) 1968 is hereby revoked

3. This Order may be cited as the Control of Borrowing (Amendment) Order (Northern Ireland) 1970. and shall come into operation on 5th October 1970.

(L.S.) *R. H. Kidd,*
Second Secretary.

EXPLANATORY NOTE

(This note is not part of the Order but is intended to indicate its general purport.)

This Order further amends the Control of Borrowing Order (Northern Ireland) 1962. The only change is that this Order removes the exemption from control of the borrowing or raising of money in Northern Ireland by the issue of non-sterling securities by or on behalf of investment trust companies resident in the scheduled territories but outside the United Kingdom.