



Finance Act 2008

2008 CHAPTER 9

PART 8

MISCELLANEOUS

Payments from Exchequer accounts

158 Power of Treasury to make payments

- (1) This section applies if a person makes a claim which, in the Treasury's opinion, is a financial claim that concerns an Exchequer account.
- (2) The Treasury may pay money from any Exchequer account—
 - (a) to satisfy the claim (in whole or in part), or
 - (b) to enable the claim to be satisfied (in whole or in part) from another government account.
- (3) The reference in this section to a financial claim that concerns an Exchequer account includes, in particular, either of the following cases.
- (4) The first case is where a financial claim relates to—
 - (a) a case where money is paid into a government account, but the money should not have, or need not have, been paid into that account, or
 - (b) a case where money should have been, or needed to be, paid out of a government account, but the money—
 - (i) was not paid out of that account, or
 - (ii) was paid out of that account, but not as it should have been, or needed to be, paid.
- (5) The second case is where a financial claim relates to the exercise of functions that relate to an Exchequer account (whether the functions are exercisable by the Treasury or another person).
- (6) In this section—

Status: This is the original version (as it was originally enacted).

“Exchequer account” means—

- (a) the Consolidated Fund,
- (b) the Debt Management Account,
- (c) the Exchange Equalisation Account, or
- (d) the National Loans Fund;

and a reference to an Exchequer account includes a reference to the assets or liabilities of the account;

“financial claim” means a claim (whether or not legally enforceable) for the payment of an amount of money, including a claim in respect of—

- (a) money paid or not paid by any person,
- (b) interest earned or not earned by any person, or
- (c) loss, costs or expenses incurred by any person;

“government account” means—

- (a) an Exchequer account, or
- (b) any other account in which money is held by or on behalf of Her Majesty’s Government in the United Kingdom.

159 Payments from certain Exchequer accounts: mechanism

- (1) This section applies to money to be paid under section 158 from—
 - (a) the Consolidated Fund, or
 - (b) the National Loans Fund.
- (2) In the case of the Consolidated Fund—
 - (a) the Comptroller and Auditor General shall on receipt of a requisition from the Treasury grant a credit on the Exchequer Account at the Bank of England (or on its growing balance), and
 - (b) an issue shall be made on orders given to the Bank by the Treasury in accordance with a credit granted under paragraph (a).
- (3) An issue made under subsection (2) shall be recorded in the daily account under section 15(5) of the Exchequer and Audit Departments Act 1866 (c. 39).
- (4) In the case of the National Loans Fund—
 - (a) the Comptroller and Auditor General shall at the request of the Treasury grant a credit on the National Loans Fund, and
 - (b) a payment out of the Fund shall be made by the Treasury in accordance with a credit granted under paragraph (a).
- (5) A payment made under subsection (4) shall be recorded in the daily account under section 1(2) of the National Loans Act 1968 (c. 13).