

Welsh Development Agency Act 1975

CHAPTER 70

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ELIZABETH II



Welsh Development Agency Act 1975

1975 CHAPTER 70

An Act to establish a Welsh Development Agency and a Welsh Industrial Development Advisory Board; and for connected purposes. [12th November 1975]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) There shall be established a body to be called the Welsh Development Agency (in this Act referred to as “the Agency”) having the functions specified in the following provisions of this Act. The Welsh Development Agency.

(2) The purposes for which the Agency may exercise their functions are—

- (a) to further the economic development of Wales or any part of Wales ;
- (b) to promote industrial efficiency and international competitiveness in Wales ;
- (c) to provide, maintain or safeguard employment in any part of Wales ; and
- (d) to further the improvement of the environment in Wales (having regard to existing amenity).

(3) Without prejudice to the following provisions of this Act, the functions of the Agency shall be—

- (a) to promote Wales as a location of industrial development, or assist or concert its promotion as such a location ;

- (b) to provide finance for persons carrying on or intending to carry on industrial undertakings ;
- (c) to carry on industrial undertakings and to establish and carry on new industrial undertakings ;
- (d) otherwise to promote or assist the establishment, growth reorganisation, modernisation or development of an industry or any undertaking in an industry ;
- (e) to promote industrial democracy in undertakings which the Agency control ;
- (f) to provide sites, premises, services and facilities for industrial undertakings ;
- (g) to manage sites and premises for industrial undertakings ;
- (h) to bring derelict land into use or improve its appearance ; and
- (i) to undertake the development and redevelopment of the environment.

(4) In exercising their functions the Agency shall have regard to the requirements of agriculture and efficient land management.

(5) The Agency may only exercise functions under subsection (3)(c) above through subsidiaries.

(6) The Agency shall have power to do anything, whether in Wales or elsewhere, which is calculated to facilitate the discharge of their functions specified in subsection (3) above, or is incidental or conducive to their discharge.

(7) In particular, but without prejudice to the generality of subsection (6) above, the Agency shall have power—

- (a) to acquire, hold and dispose of securities ;
- (b) to form bodies corporate ;
- (c) to form partnerships with other persons ;
- (d) to make loans ;
- (e) to guarantee obligations (arising out of loans or otherwise) incurred by other persons ;
- (f) to make grants ;
- (g) to act as agent for other persons ;
- (h) to acquire and dispose of land, plant, machinery and equipment and other property ;
- (i) to manage land, and to develop land and carry out works on land, and to maintain works or assist in their maintenance ;
- (k) to make land, plant, machinery and equipment and other property available for use by other persons ;

(l) to provide advisory or other services or facilities in relation to any of their functions, or assist in their provision ; and

(m) to promote or assist in the promotion of publicity relating to any of the functions of the Agency.

(8) Unless the Secretary of State otherwise directs under subsection (9) below, the powers mentioned in subsection (7)(a) to (e) above may only be exercised in connection with the Agency's functions mentioned in subsection (3)(b) and (c) above, and the power mentioned in subsection (7)(f) above shall not be used in connection with those functions.

(9) Subject to subsection (10) below, the Secretary of State may give the Agency directions of a general or specific character as to the exercise of their functions ; and it shall be the duty of the Agency to give effect to any such directions.

(10) The Secretary of State shall consult the Agency about any proposed direction.

(11) Subject to paragraph 9(3) of Schedule 3 below, when the Secretary of State gives a direction under this section in connection with the Agency's functions under subsection (3)(b) or (c) above, he shall either—

(a) lay a copy of the direction before each House of Parliament within 28 days of giving it ; or

(b) lay a copy later, but lay with it a statement of the reason why a copy was not laid within 28 days.

(12) The Agency's report for any accounting year shall set out any direction under this section given during that year.

(13) Any direction given under this section may be varied or revoked by a subsequent direction so given.

(14) It shall be the Agency's duty, after consultation with such local authorities and other bodies as appear to the Agency to have an interest, from time to time to prepare and submit to the Secretary of State for his approval schemes for the performance of such of their functions as he may direct.

(15) The Secretary of State may approve a scheme in whole or in part, with or without modifications, or may refuse to approve a scheme.

(16) For the avoidance of doubt it is hereby declared that nothing in this Act is to be construed as authorising the disregard by the Agency of any enactment or rule of law.

2.—(1) The Agency shall consist of a chairman, a deputy Constitution chairman and not less than six nor more than eight other and status members.

(2) The chairman, deputy chairman and other members of the Agency shall be appointed by the Secretary of State.

(3) The members of the Agency shall include persons who appear to the Secretary of State to have wide experience of, and to have shown capacity in, one or more of the following, namely, industry, commerce, banking, accountancy, finance, the organisation or representation of workers, administration, local government and matters relating to the environment.

(4) The Secretary of State, after consultation with the chairman or chairman-designate of the Agency, shall appoint a chief executive of the Agency.

(5) Subsequent appointments to the office of chief executive shall be made by the Agency, with the approval of the Secretary of State.

(6) The chief executive shall be a member of the Agency, but the chairman or deputy chairman shall not be chief executive.

(7) If a person appointed chief executive is not already a member of the Agency, the Secretary of State shall appoint him a member.

(8) It is hereby declared that the Agency shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity, or privilege of the Crown and that the Agency's property is not to be regarded as the property of, or property held on behalf of, the Crown.

(9) The Agency shall not be exempt, except as provided by paragraph 20 of Schedule 1 to this Act, from any tax, duty, rate, levy or other charge whatsoever, whether general or local.

(10) Schedule 1 to this Act shall have effect.

Overseas Aid.

3. The Agency may with the consent of the Secretary of State enter into and carry out agreements with the Minister of Overseas Development under which the Agency act, at the expense of that Minister, as the instrument by means of which technical assistance is furnished by that Minister in the exercise of the power conferred by section 1(1) of the Overseas Aid Act 1966; and the Agency may, with the consent of both the Secretary of State and the said Minister, enter into and carry out agreements under which the Agency, for any purpose specified in the said section 1(1), furnish technical assistance in a country or territory outside the United Kingdom against reimbursement to them of the cost of furnishing that assistance.

Ancillary powers.

4. The Agency shall have power—

(a) to make such charge for any of their services as they think fit;

- (b) to accept any gift made to them for the purposes of any of their functions, and subject to the terms of the gift and to the provisions of this Act, to apply it for those purposes ;
- (c) to carry out or commission the carrying out of such enquiries, investigations or researches as the Agency may deem necessary or expedient for the purposes of their functions.

5.—(1) The Agency may appoint a local authority, the development corporation of a new town or any other body or person to act as their agent to carry out the Agency's functions mentioned in section 1(3)(a) and (f) to (i) above.

Assistance to Agency from public authorities and other persons.

(2) For the purpose of assisting the Agency to carry out any of the functions referred to in subsection (1) above, a local authority or a development corporation, or any other body of a public nature, on being so requested by the Agency, may place the services of any of their staff at the Agency's disposal, on such terms as may be agreed with the Agency.

6.—(1) The Agency may establish such committees for the discharge of any of the Agency's functions, or for giving advice to the Agency about the discharge of any of their functions, as they consider appropriate.

Power to form committees.

(2) The members of any committee shall be appointed by the Agency, and may be either members of the Agency or, with the approval of the Secretary of State, persons who are not members.

7.—(1) The Welsh Industrial Estates Corporation shall cease to exist, and all that Corporation's property, rights and liabilities shall vest in the Agency ; and for the avoidance of doubt, it is hereby declared that planning permission shall be deemed to have been granted under section 29 of the Town and Country Planning Act 1971 in respect of any development initiated by the Corporation before the commencement of this Act.

Dissolution of Welsh Industrial Estates Corporation. 1971 c. 78.

(2) Schedule 2 to this Act shall have effect.

8.—(1) All land in Wales which was acquired by or vested in any Minister of the Crown under an enactment specified in subsection (2) below and which is held (otherwise than as security for a loan) for the purposes of the Local Employment Act 1972 shall vest in the Agency, subject to all rights, liabilities and obligations relating to it.

Transfer to Agency of land held under Local Employment Act 1972. 1972 c. 5.

1972 c. 5.

(2) The enactments mentioned in subsection (1) above are the Distribution of Industry Acts 1945 to 1958, the Local Employment Acts 1960 to 1971 and the Local Employment Act 1972.

Provision of sites and premises for industry.

9.—(1) For the purpose of providing or managing industrial sites and premises and providing related facilities the Agency shall exercise their powers in accordance with arrangements to be approved by the Secretary of State.

(2) For that purpose the Agency shall have power to modernise, adapt or reconstruct buildings; and, where the execution of the works will interrupt the use of the buildings or works by any undertaking, the power to acquire land conferred by section 1(7)(h) above shall include power to acquire land for the purpose of providing premises for the occupation of that undertaking or of otherwise meeting its requirements, and the Agency may for that purpose erect buildings and carry out works on any land so acquired.

(3) If it appears to the Secretary of State that there are circumstances which justify the giving of special assistance, he may authorise the Agency to provide premises for the occupation of an industrial undertaking free of rent for such time as he thinks appropriate.

Services etc. for development of industry.

10. The Secretary of State may authorise the Agency to undertake or assist in the provision of means of access or other services or facilities in or for an area where this appears to him to be expedient for the purpose of contributing to or supporting the development of industry in that area.

Application of Landlord and Tenant Act 1954 to Agency premises.
1954 c. 56.

11.—(1) The following section shall be inserted after section 60 of the Landlord and Tenant Act 1954:—

“Welsh Development Agency premises

60A.—(1) Where the property comprised in a tenancy consists of premises of which the Welsh Development Agency is the landlord, and the Secretary of State certifies that it is necessary or expedient, for the purpose of providing employment appropriate to the needs of the area in which the premises are situated, that the use or occupation of the property should be changed, paragraphs (a) and (b) of section 58(1) above shall apply as they apply where such a certificate is given as is mentioned in that subsection.

(2) Where the court makes an order under Part II of this Act for the grant of a new tenancy of any such premises as aforesaid, and the Secretary of State certifies that it is necessary or expedient as aforesaid that the tenancy should be subject to a term, specified

in the certificate, prohibiting or restricting the tenant from assigning the tenancy or subletting, charging or parting with possession of the premises or any part of the premises or changing the use of the premises or any part of the premises, the court shall determine that the terms of the tenancy shall include the terms specified in the certificate.”.

(2) In section 59 of that Act (compensation for exercise of special powers in relation to tenancies)—

- (a) in subsection (1), after the word “sections” there shall be inserted the words “or, subject to subsection (1A) below, section 60A below”, and
- (b) after that subsection there shall be inserted the following subsection:—

“(1A) No compensation shall be recoverable under subsection (1) above where the certificate was given under section 60A below and either—

- (a) the premises vested in the Welsh Development Agency under section 7 (property of Welsh Industrial Estates Corporation) or 8 (land held under Local Employment Act 1972) of the Welsh Development Agency Act 1975, or
- (b) the tenant was not tenant of the premises when the said Agency acquired the interest by virtue of which the certificate was given.”.

12.—(1) In any case where it appears to the Secretary of State that the powers conferred on him by section 7 of the Industry Act 1972 (powers to give selective financial assistance) are exercisable and ought to be exercised, the Secretary of State, with the consent of the Treasury, may direct the Agency to exercise them; and the Agency shall not require the consent of the Treasury to the exercise of any such powers in pursuance of such a direction. Selective financial assistance. 1972 c. 63.

(2) It shall be the Agency’s duty to give effect to any such direction.

(3) The Secretary of State shall consult the Agency before giving any such direction.

(4) A direction may specify—

- (a) the purpose for which and manner in which the Agency are to exercise the powers;
- (b) the amount of assistance that they are to give; and
- (c) terms and conditions on which the assistance is to be given.

(5) Any direction given under this section may be varied or revoked by a subsequent direction so given, but nothing in a subsequent direction shall relieve the Agency of a contractual liability to which they are subject in consequence of an earlier direction.

(6) As soon as practicable after the Secretary of State has given a direction under this section he shall lay before each House of Parliament a statement specifying—

- (a) the amount of assistance that the Agency are to give in pursuance of the direction ; and
- (b) how and to whom they are to give it.

(7) The Agency's report for any accounting year shall specify any direction that has been given under this section during that year and give the information concerning it that is required to be specified in a statement under subsection (6) above.

1972c. 63.

(8) In any case where the Agency are exercising the Secretary of State's powers in pursuance of a direction under this section, section 7(4) of the Industry Act 1972 (which requires the consent of a company to the acquisition of its shares or stock) shall be construed, notwithstanding the fact that the direction has been given, as requiring the Secretary of State (and not the Agency) to obtain the consent.

(9) If the Agency acquire property in pursuance of any such direction, the Secretary of State shall reimburse them the consideration given for the acquisition and the costs and expenses of and incidental to it.

(10) If they make a grant in pursuance of any such direction, he shall pay them a sum equal to the amount of the grant.

(11) If they make a loan in pursuance of any such direction, he shall make them a loan of the same amount and, subject to subsection (12) below, on such terms as he considers appropriate.

(12) The terms of a loan under subsection (11) above shall only require the Agency to repay the loan when the debtor repays them the loan which they made him.

(13) If the Agency give assistance in pursuance of any such direction by way of any form of insurance or guarantee, the Secretary of State shall assume a correlative liability towards them.

(14) The Secretary of State may pay any administrative expenses of the Agency under this section.

(15) For the avoidance of doubt it is hereby declared, without prejudice to the generality of section 2(8) above, that powers exercised by the Agency under this section are not exercised on behalf of the Crown or of any government department.

13.—(1) The Secretary of State shall appoint a board to be called the Welsh Industrial Development Advisory Board, to advise him with respect to the exercise of his functions under section 7 of the Industry Act 1972.

Welsh Industrial Development Advisory Board.

(2) The Board shall consist of a chairman and not less than four nor more than seven other members.

1972 c. 63.

(3) The members of the Board shall include persons who appear to the Secretary of State to have wide experience of, and to have shown capacity in, industry, banking, accounting, finance or the organisation or representation of workers.

(4) If the Board make a recommendation with respect to any matter at the request of the Secretary of State and the Secretary of State exercises his functions under section 7 of the Industry Act 1972 contrary to their recommendation, he shall, if the Board so request, lay a statement as to the matter before Parliament.

14.—(1) Subject to subsection (2) below, nothing in this Act or in any other enactment (including, subject to any express provision to the contrary, an enactment contained in an Act passed after this Act) shall prevent the transfer to the Agency or the Agency's nominees of any publicly owned securities or other publicly owned property.

Transfer of publicly-owned property to Agency.

(2) Publicly owned securities and other publicly owned property may only be transferred to the Agency or the Agency's nominees with the consent of the Secretary of State or in accordance with any general authority given by the Secretary of State.

(3) The Secretary of State shall lay before each House of Parliament a copy of any general authority given by him under subsection (2) above.

(4) When the Secretary of State has given a consent under subsection (2) above and the consideration for the transfer exceeds £1 million, he shall lay before each House of Parliament a statement specifying—

- (a) the securities or other property to be transferred ;
- (b) the transferor ;
- (c) the consideration ; and
- (d) the date of his consent.

15.—(1) The Agency's duty under section 1(14) above to prepare and submit to the Secretary of State for his approval, after consultation with such local authorities and other bodies as appear to the Agency to have an interest, schemes for the performance of the Agency's functions, includes in particular a duty to prepare and submit schemes, to be implemented either

The environment.

by the Agency themselves, or by the Agency jointly with any other authority or person, or through persons or authorities acting on behalf of the Agency, for the improvement, development or redevelopment of the environment in Wales.

(2) The Agency may make payments to any authority or person of such amount and in such manner as they may with the approval of the Secretary of State and the Treasury determine for carrying out work which the Agency consider will contribute to the purposes of such a scheme.

Derelict land. 16.—(1) In any case where the Agency are satisfied with regard to any land—

(a) that it is derelict, neglected or unsightly,
and

(b) that steps should be taken for the purpose of enabling it to be brought into use, or of improving its appearance,

the Agency, with the consent of the Secretary of State, may exercise the powers specified in subsection (3) below in relation to the relevant land.

(2) In this section “the relevant land” means the land with regard to which the Agency are satisfied as mentioned in subsection (1) above and any other land, whether or not adjacent to it, in relation to which the exercise of the powers specified in subsection (3) below is reasonably requisite for or in connection with the purpose mentioned in subsection (1)(b) above.

(3) The Agency’s powers under this section are—

(a) a power to make such grants to the council of the county or district in which the relevant land is situated as appear to the Agency to be requisite in respect of the acquisition of that land by that council for the purpose mentioned in subsection (1)(b) above or their carrying out of any work on it for that purpose, and

(b) a power, after consultation with such local authorities and other bodies as appear to the Agency to have an interest, themselves to acquire the relevant land by agreement or compulsorily, and

(c) a power to carry out on any of the relevant land such works as appear to them to be expedient for the purpose mentioned in subsection (1)(b) above;

and the Agency’s powers under this subsection are in addition to, and not in derogation from, any power conferred on them by any other provision of this Act.

(4) After carrying out works on land acquired under this section the Agency may dispose of it free of charge to a local

authority or the development corporation of a new town for the purpose of its use as a public open space.

(5) Section 8(3) of the Local Employment Act 1972 (which this section supersedes for Wales) shall cease to have effect in relation to Wales upon the day on which this section comes into operation, except in the case of schemes as respects which an offer of grant has been made by the Secretary of State and the scheme to which it relates has been the subject of a tender accepted by the local authority concerned. 1972 c. 5.

17.—(1) After consultation with the Agency, the Secretary of State shall, with the approval of the Treasury, determine the financial duties of the Agency, and different determinations may be made in relation to different functions and activities of the Agency. Financial duties of the Agency.

(2) The Secretary of State shall give the Agency notice of every determination, and a determination may—

- (a) relate to a period beginning before the date on which it is made ;
- (b) contain incidental or supplemental provisions ; and
- (c) be varied by a subsequent determination.

18.—(1) Schedule 3 to this Act shall have effect.

(2) The aggregate amount outstanding, otherwise than by way of interest, in respect of— Finances of the Agency.

- (a) the general external borrowing of the Agency and their wholly owned subsidiaries ;
- (b) sums issued by the Treasury in fulfilment of guarantees under paragraph 6 of Schedule 3 below and not repaid to the Treasury ;
- (c) sums paid to the Agency by the Secretary of State out of money provided by Parliament less repayments to the Secretary of State by the Agency and less such sums paid in respect of the administrative expenses of the Agency ;
- (d) loans guaranteed by the Agency otherwise than under section 12 above ;

shall not exceed the limit specified in subsection (3) below.

(3) The said limit shall be £100 million but the Secretary of State may by order made with the consent of the Treasury raise the limit to £150 million.

(4) Such an order shall not be made unless a draft of it has been approved by resolution of the House of Commons.

(5) In subsection (2) above “general external borrowing” means—

(a) in relation to the Agency, sums borrowed by them other than—

(i) sums borrowed from a body corporate which is one of the Agency’s wholly owned subsidiaries at the time of the loan ;

(ii) any sums mentioned in subsection (2)(b) above ; or

(iii) sums borrowed by the Agency for the purpose of giving assistance under section 12 above ; and

(b) in relation to a wholly owned subsidiary of the Agency, sums borrowed by it when it was such a subsidiary other than sums borrowed from the Agency or from another wholly owned subsidiary,

but does not include any debt assumed by the Agency under paragraph 7(1) of Schedule 3 to this Act.

The Agency
and the media.

19.—(1) Subject to subsection (2) below, neither the Agency nor any of the Agency’s subsidiaries—

(a) shall commence a business of publishing newspapers, magazines or other periodicals for sale to the public in the United Kingdom ; or

(b) enter into any contract with the Independent Broadcasting Authority for the provision of programmes.

(2) Subsection (1) above does not apply to periodicals wholly or mainly concerned with the activities of the Agency or any of the Agency’s subsidiaries.

(3) Subject to subsection (4) below, neither the Agency nor any of the Agency’s subsidiaries shall acquire any of the share capital of a body corporate if a substantial part of the undertaking—

(a) of that body corporate, or

(b) of a group of companies of which it is the holding company,

consists of carrying on—

(i) a business such as is mentioned in paragraph

(a) of subsection (1) above, or

(ii) the activities of a programme contractor.

(4) Subsection (3) above shall not prevent the acquisition of share capital of a body corporate if the acquisition is made in pursuance of a direction under section 12 above.

(5) Subject to subsections (7) and (8) below, if the Agency or any of the Agency’s subsidiaries acquire any of the share capital

of a body corporate which carries on any such business as is mentioned in subsection (1)(a) above, it shall be their duty to exercise their voting power with a view to securing that the body corporate disposes of the business as soon as practicable.

(6) Subject to subsections (7) and (8) below, if the Agency or any of the Agency's subsidiaries acquire any of the share capital of a body corporate which has any interest, direct or indirect, in a body corporate which carries on such a business, it shall be their duty to exercise their voting power with a view to securing that the capital of the body corporate which carries on that business is disposed of as soon as practicable.

(7) The Secretary of State may direct that the Agency or a subsidiary of the Agency shall not be under any duty imposed by subsection (5) or (6) above during such time as the direction is in force.

(8) The Secretary of State may only give such a direction as is mentioned in subsection (7) above if he is of the opinion that without such a direction serious commercial injury would be caused to any newspaper, magazine or periodical concerned.

(9) If the Agency or any of the Agency's subsidiaries acquire any of the share capital of a body corporate which is a programme contractor, they shall consult the Independent Broadcasting Authority as to the steps that they are to take with regard to that share capital and obey any direction given by that Authority.

(10) Without prejudice to the foregoing provisions of this section, it shall be the duty of the Agency and of any of the Agency's subsidiaries to use any power to control or influence the carrying on of a business such as is mentioned in paragraph (a) of subsection (1) above or of the activities of a programme contractor only in relation to financial or commercial matters.

(11) In this section "programme contractor" has the meaning assigned to it by section 2(3) of the Independent Broadcasting 1973 c. 19. Authority Act 1973.

20.—(1) Neither the Agency nor any of their subsidiaries shall acquire any of the share capital of a body corporate except with the consent of the Secretary of State or in accordance with any general authority given by the Secretary of State—

Other limits
on Agency's
powers.

- (a) if its acquisition would entitle the Agency to exercise or control the exercise of 30 per cent. or more of the votes at any general meeting of the body corporate; or

(b) if the value of the consideration for its acquisition, together with the value of any consideration paid for share capital of that body corporate previously acquired, would exceed £2 million.

(2) Subsection (1)(a) above shall not restrict the acquisition of share capital of a body corporate which gives a right to vote exercisable only in restricted circumstances.

(3) Nothing in subsection (1) above shall be taken to restrict the power to form bodies corporate conferred on the Agency by section 1(7)(b) above.

(4) In any case where the Agency hold share capital such as is mentioned in subsection (2) above, the fact that they hold it shall be disregarded for the purpose of determining whether subsection (1)(a) above prevents their acquisition of further share capital of the same body corporate.

Expenses.

21. Any expenses of the Secretary of State incurred in consequence of the provisions of this Act shall be defrayed out of money provided by Parliament.

Acquisition,
disposal and
appropriation
of land.

22.—(1) The power to acquire land conferred on the Agency by section 1(7)(h) above is a power—

(a) to acquire land by agreement with the approval of the Secretary of State, and

(b) to acquire land compulsorily, if so authorised by the Secretary of State.

(2) Where the Agency propose to acquire land compulsorily for or in connection with the carrying on of industrial undertakings in any area, they may acquire only such land as appears to them to be necessary to secure an adequate supply of land for industrial undertakings in that area.

(3) The power to dispose of land conferred by section 1(7)(h) above is a power to dispose of it with the approval of the Secretary of State.

(4) Except as provided by section 16(4) above, the Agency shall not, except with the consent of the Secretary of State, dispose of land for a consideration less than the best that can reasonably be obtained.

1946 c. 49.

(5) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply in relation to the compulsory acquisition of land by the Agency as if this Act had been in force immediately before the commencement of that Act and as if the Agency were a local authority within the meaning of that Act.

(6) For the purpose of the acquisition by the Agency of land by agreement the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable) other than sections 4 to 8, 10 and 27 shall apply. 1965 c. 56.

(7) A compulsory purchase order made by virtue of this section may provide for the acquisition of rights over land by creating them as well as for the acquisition of rights already in existence.

(8) The Agency may, with the approval of the Secretary of State, appropriate land acquired for the purpose of any of their functions to the purpose of any of their other functions.

23.—(1) Any person duly authorised in writing by the Secretary of State or the Agency may, at any reasonable time, enter upon land in order to survey it for the purposes of determining whether, and if so in what manner, the functions of the Agency or the Secretary of State under any provision of this Act should be exercised in relation to the land. Powers of entry.

(2) The power of survey conferred by this section includes power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals in it.

(3) A person authorised under this section to enter upon any land shall, if so required by the occupier or anyone acting on his behalf, produce evidence of his authority, and shall not demand admission as of right to any land which is occupied unless at least five days notice, or in the case of land occupied for residential purposes at least fourteen days notice, of the intended entry has been given to the occupier.

(4) Where any land is damaged in the exercise of a power of entry conferred by this section, compensation in respect of that damage may be recovered by any person interested in the land from the Secretary of State or the Agency, as the case may be.

(5) A person shall not carry out any works authorised by this section unless notice of his intention so to do has been included in the notice required by subsection (3) above, and if the land in question is held by any statutory undertakers and those undertakers object to the proposed works on the ground that the carrying out of those works would be seriously detrimental to the carrying on of their statutory undertaking, the works shall not be carried out without authority of the appropriate Minister.

(6) A person entering upon any land by virtue of this section may take with him such other persons as may be necessary.

(7) It shall be the duty of a person exercising powers conferred by this section—

(a) to take reasonable care to avoid injury to plant, machinery, equipment, livestock, crops or enclosures, and

(b) on leaving any land, to secure it as effectively against unauthorised entry as he found it.

(8) Any reference to land in the foregoing provisions of this section includes a reference to buildings or other structures on land.

(9) A person who wilfully obstructs any person acting in the exercise of powers under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100.

(10) If any person who, in compliance with the provisions of this section, is admitted into a factory, workshop or workplace discloses to any person any information obtained by him therein as to any manufacturing process or trade secret, he shall, unless the disclosure is made in the course of performing his duty in connection with the purpose for which he was authorised to enter the premises, be guilty of an offence and liable on summary conviction to a fine not exceeding £400 or on conviction on indictment to imprisonment for a term not exceeding two years or a fine, or both.

Power to
obtain
information.

24.—(1) If the Agency are considering exercising any of their functions under this Act in relation to any land, they may, by notice served on the owner or occupier of that land, require him to state in writing the nature of his interest therein, and the name and address of any other person known to him as having an interest therein, whether as a freeholder, mortgagee, lessee or otherwise.

(2) Any person who, having been required in pursuance of this section to give any information refuses or fails without reasonable cause to give that information shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.

(3) Any person who, having been so required to give any information, knowingly makes any mis-statement in respect thereof shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400 or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine, or both.

(4) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on

the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) Where the affairs of a body corporate are managed by its members, subsection (4) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(6) Nothing in section 9 of the Statistics of Trade Act 1947 1947 c. 39. (restrictions on disclosure of information obtained under that Act) shall prevent or penalise the disclosure by the Secretary of State, the Manpower Services Commission, the Employment Service Agency or the Training Services Agency to an officer of the Agency of information obtained under that Act, consisting of the name and address of any establishment, the numbers of persons of different descriptions employed there and the nature of the activities carried on there; and, accordingly, section 4 of the Employment and Training Act 1973 1973 c. 50. (obtaining and disclosure of information by the Commission and Agencies) shall have effect as if—

- (a) in subsection (3)(e), after the word “ 1972 ” there were inserted the words “ the Welsh Development Agency ” ;
- (b) in subsection (5) after paragraph (d) there were inserted the following paragraph—

“ (dd) in the case of information given to an officer of the Welsh Development Agency, the purposes of functions conferred on that Agency by the Welsh Development Agency Act 1975 ; ”.

25.—(1) Any notice or other document required or authorised by or by virtue of this Act to be served on any person may be served on him either by delivering it to him or by leaving it at his proper address or by sending it by post. Service of documents.

(2) Any notice or other document so required or authorised to be served on a body corporate or a firm shall be duly served if it is served on the secretary or clerk of that body or a partner of that firm.

(3) For the purposes of this section, and of section 26 of the Interpretation Act 1889 in its application to this section, the proper address of a person, in the case of a secretary or clerk of a body corporate, shall be that of the registered or principal office of that body, in the case of a partner of a firm, shall be that of the principal office of the firm, and, in any other case, shall be the last known address of the person to be served. 1889 c. 63.

- Crown land. **26.** The powers conferred by this Act shall be exercisable, with the consent of the appropriate authority, in relation to Crown land, but none of the provisions of this Act shall be construed as prejudicing any Crown interest or Duchy interest in Crown land; and expressions used in this section and section 1971 c. 78. 266(7) of the Town and Country Planning Act 1971 have the same meaning in this section as in that subsection.
- Interpretation. **27.—**(1) In this Act, unless the context otherwise requires—
- “accounting year”, in relation to the Agency, means the period of twelve months ending with the 31st March in any year, except that the Agency’s first accounting year shall begin on the date of the first or only order under section 29(2) below and end on 31st March 1977;
 - “the appropriate Minister” in relation to any statutory undertakers in relation to whom it is defined by section 224 of the Town and Country Planning Act 1971 or any other Act, has the meaning assigned to it by the Act so defining it;
 - “holding company” means a holding company as defined in section 154 of the Companies Act 1948;
 - “industry” includes any description of commercial activity, and any section of an industry and “industrial” has a corresponding meaning;
 - “land” includes the foreshore and other land covered with water and any estate or interest in or right over land;
 - “statutory undertakers” means—
 - (a) persons authorised by virtue of any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of electricity, gas, hydraulic power or water, and
 - (b) the Civil Aviation Authority, the National Coal Board, the Post Office and any other authority, body or undertakers which by virtue of any enactment are to be treated as statutory undertakers for the purposes of the Town and Country Planning Act 1971;
 and “statutory undertaking” shall be construed accordingly;
 - “subsidiary” means a subsidiary as defined by section 154 of the Companies Act 1948; and
 - “wholly owned subsidiary” has the meaning assigned to it by section 150(4) of that Act.
- 1948 c. 38.

(2) Securities and other property are publicly owned for the purposes of this Act if they are held—

- (a) by or on behalf of the Crown ;
- (b) by a company all of whose shares are held by or on behalf of the Crown or by a wholly owned subsidiary of such a company ;
- (c) by any corporation constituted by or under any enactment under which an industry or part of an industry is carried on by that corporation under national ownership or control ; or
- (d) by a wholly owned subsidiary of any such corporation.

(3) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended, applied or extended by or under any other enactment, including this Act.

28.—(1) Any power to make an order conferred by any provision of this Act other than section 22 shall be exercisable by statutory instrument. Orders.

(2) Any power to make an order conferred by a provision of this Act shall include power to make an order varying or revoking any order previously made under that provision.

29.—(1) This Act may be cited as the Welsh Development Agency Act 1975. Citation etc.

(2) This Act except this section shall come into operation on such day as the Secretary of State may by order appoint, and different days may be appointed under this subsection for different purposes, or for the purposes of the same provision in relation to different cases.

(3) Section 1(6) above and paragraphs 13 and 21 of Schedule 1 below extend to Northern Ireland, but none of the other provisions of the Act so extends.

SCHEDULES

Section 2.

SCHEDULE 1

THE WELSH DEVELOPMENT AGENCY

Appointment and tenure of members of the Agency and of committees

1. It shall be the duty of the Secretary of State—

(a) to satisfy himself, before he appoints a person to be a member of the Agency, or gives his approval to the appointment of a person to be a member of a committee of the Agency, that he will have no such financial or other interest as is likely to affect prejudicially the performance of his functions as a member ; and

(b) to satisfy himself from time to time with respect to each member that he has no such interest ;

and a person who is a member of the Agency or of such a committee or whom the Secretary of State proposes to appoint as a member of the Agency or the Agency propose to appoint as a member of a committee shall, whenever required by the Secretary of State to do so, furnish the Secretary of State with such information as he may specify with a view to carrying out his duty under this paragraph.

2. Subject to the following provisions of this Schedule, a person shall hold and vacate office as a member or the chairman or deputy chairman of the Agency or as a member of a committee of the Agency in accordance with the terms of the instrument appointing him to that office.

3. A person may at any time resign his office as a member or the chairman or deputy chairman of the Agency by giving the Secretary of State a signed notice in writing stating that he resigns that office.

4. Where a member becomes or ceases to be the chairman or deputy chairman, the Secretary of State may vary the terms of the instrument appointing him a member of the Agency so as to alter the date on which he is to vacate office as a member.

5. If the chairman or deputy chairman ceases to be a member, he shall cease to be the chairman or deputy chairman, as the case may be.

6.—(1) If the Secretary of State is satisfied that a member of the Agency—

(a) has been absent from meetings of the Agency for a period longer than three consecutive months without the permission of the Agency, or

(b) has become bankrupt or made an arrangement with his creditors, or

(c) is incapacitated by physical or mental illness, or

(d) is otherwise unable or unfit to discharge the functions of a member,

the Secretary of State may declare his office as a member of the Agency vacant.

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(2) Without prejudice to the Secretary of State's power to remove the chief executive from membership of the Agency under subparagraph (1) above, he may declare the office of chief executive vacant if he is satisfied that a condition mentioned in that subparagraph is fulfilled in relation to the chief executive.

(3) The Secretary of State shall notify a declaration under subparagraph (1) or (2) above in such manner as he thinks fit; and thereupon the office to which it relates shall become vacant.

7. A person who ceases to be a member, or ceases to be chairman or deputy chairman, of the Agency, shall be eligible for re-appointment.

Staff

8. Subject to section 2(4) and (5) above, the staff of the Agency shall be appointed by the Agency, with the consent as to numbers of the Secretary of State; and the Secretary of State shall not give his consent without the approval of the Minister for the Civil Service.

Remuneration etc.

9. The Agency shall pay to each of their members and to each member of their staff or of any of their committees such remuneration and such reasonable allowances in respect of expenses as the Secretary of State may determine with the approval of the Minister for the Civil Service.

10. The Agency shall make such provision as may be determined by the Secretary of State with the approval of the said Minister for the payment of pensions, allowances or gratuities (including refunds of contributions to any pension fund with or without interest or other additions) to or in respect of such members or past members of the Agency as may be so determined.

11. Where a person ceases to be a member of the Agency otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State, with the approval of the said Minister, may direct the Agency to make to that person a payment of such amount as the Secretary of State may determine with the approval of the said Minister.

12.—(1) The Agency may, in the case of such of the persons employed by them as may be determined by the Secretary of State with the consent of the Minister for the Civil Service, pay such pensions, allowances or gratuities to or in respect of them, make such payments towards the provision of such pensions, allowances or gratuities (including refunds of contributions to any pension fund with or without interest or other additions) or provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities as may be determined by the Secretary of State with the approval of the said Minister.

SCH. 1

(2) Where a person employed by the Agency and participating in a scheme for the payment of pensions, allowances or gratuities which is applicable to such persons becomes a member of the Agency, his service as a member may be treated for the purposes of the scheme as service as a person employed by the Agency, whether or not provision for or in respect of him is made under paragraph 10 above.

(3) Except so far as the Agency are satisfied that adequate machinery exists for the purpose, it shall be the duty of the Agency to seek consultation with any organisation appearing to them to be appropriate with a view to the conclusion between the Agency and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for the settlement by negotiation of terms and conditions of employment of persons employed by the Agency, with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements.

Disqualification of members of the Agency for House of Commons

1975 c. 24.

13. In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), there shall be inserted, at the appropriate place in alphabetical order:—

“ The Welsh Development Agency ”.

Proceedings

14. Subject to paragraph 15 below and to any direction under section 1 above, the quorum of the Agency and of the Agency's committees and the arrangements relating to meetings of the Agency and of such committees shall be such as the Agency may determine.

15.—(1) A member of the Agency or of any such committee who is in any way directly or indirectly interested in a contract made or proposed to be made by the Agency, or in any other matter whatsoever which falls to be considered by the Agency or by the committee in question, shall disclose the nature of his interest at a meeting of the Agency or the committee and the disclosure shall be recorded in the minutes of the meeting.

(2) The member shall not—

- (a) in any case of any such contract, take part in any deliberation or decision with respect to the contract; and
- (b) in the case of any other matter, take part in any deliberation or decision with respect to the matter if the Agency or the committee decide that the interest in question might prejudicially affect the member's consideration of the matter.

(3) For the purposes of this paragraph, a notice given by a member at a meeting of the Agency or a committee to the effect that he is a member of a specified body corporate or firm and is to be regarded as interested in any contract which is made with the body corporate or firm after the date of the notice, and in any other matter whatsoever concerning the body corporate or firm

which falls to be considered after that date, shall be a sufficient disclosure of his interest.

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(4) A member need not attend in person at a meeting of the Agency or a committee in order to make a disclosure which he is required to make under this paragraph, if he takes reasonable steps to secure that the disclosure is made by a notice which is taken into consideration and read at such a meeting.

16. The validity of any proceedings of the Agency or a committee shall not be affected by any vacancy among the members or by any defect in the appointment of a member or by any failure to comply with the requirements of paragraph 15 above.

Incorporation of Agency and execution of instruments and contracts

17. The Agency shall be a body corporate.

18. The fixing of the common seal shall be authenticated by the signature of the chairman of the Agency or some other person authorised by the Agency to act for that purpose.

19. A document purporting to be duly executed under the seal of the Agency shall be received in evidence and shall be deemed to be so executed unless the contrary is proved.

Stamp duty

20.—(1) Stamp duty shall not be chargeable on any instrument which is certified to the Commissioners of Inland Revenue by the Agency as having been made or executed for the purpose of the transfer to the Agency of securities or other property held—

(a) by or on behalf of the Crown ; or

(b) by a company all of whose shares are held by or on behalf of the Crown or by a wholly owned subsidiary of such a company.

(2) No such instrument as is mentioned in sub-paragraph (1) above shall be deemed to be duly stamped unless it is stamped with the duty for which it would but for this paragraph be liable or it has, in accordance with the provisions of section 12 of the Stamp Act 1891 c. 39, 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped.

Circulars

21. Section 14(1) of the Prevention of Fraud (Investments) Act 1958 c. 45, 1958 and section 13(1) of the Prevention of Fraud (Investments) Act 1940 c. 9 (N.I.) (Northern Ireland) 1940 (prohibition on distributing circulars relating to investments) shall not apply to documents which the Agency distribute in the discharge of their functions or cause to be so distributed or have in their possession for the purposes of such distribution.

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1948 c. 38.

Acquisition of holdings of minority shareholders

22. Section 209 of the Companies Act 1948 (power to acquire shares of shareholders dissenting from scheme or contract approved by majority) shall have effect in relation to the transfer of shares or any class of shares in a company to the Agency; and references to a transferee company in that section shall be construed accordingly.

Section 7.

SCHEDULE 2

MEMBERS AND STAFF OF THE WELSH INDUSTRIAL
ESTATES CORPORATION

Transfer of Staff

1. In the case of any person to be employed by them on and after the coming into operation of section 7 above, who immediately before that date is employed by the Welsh Industrial Estates Corporation, the Agency shall ensure that—

- (a) so long as he continues in the employment of the Agency and until he is served with a statement in writing specifying new terms and conditions of employment, each such person enjoys terms and conditions of employment not less favourable, taken as a whole, than those which he enjoyed as a member of the Corporation's staff immediately before joining the Agency's staff; and
- (b) the said new terms and conditions are such that, so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before he joined the Agency's staff, the terms and conditions of his employment, taken as a whole, are not less favourable than those which he then enjoyed.

Compensation for members or staff of the Corporation

2. The Secretary of State may, out of money provided by Parliament, pay to any person who was a member of the Corporation immediately before the coming into operation of section 7 above and who is not appointed a member of the Agency such sums by way of compensation for loss of office as he may, with the consent of the Minister for the Civil Service, determine.

3. The Secretary of State shall by regulations require the Agency to pay, in such cases and to such extent as may be determined by or under the regulations, compensation to or in respect of persons hitherto employed by the Corporation who suffer loss of employment or loss or diminution of emoluments or pension rights in consequence of the provisions of this Act.

4. Different regulations may be made under paragraph 3 above in relation to different classes of persons, and any such regulations may be so framed as to have effect as from a date prior to the making thereof, so, however, that so much of any regulations as provides that any provision therein is to have effect as from a date earlier than the making thereof shall not place any person other than the Agency in a

worse position that he would have been in if the regulations had been made to have effect only as from the date of the making thereof.

5. Regulations under paragraph 3 above—

(a) may prescribe the procedure to be followed in making claims for compensation, and the manner in which and the person by whom the question whether any or what compensation is payable is to be determined, and

(b) may apply, with or without modifications, the provisions of any other rules or regulations relating to similar matters.

6. The power to make regulations conferred by paragraph 3 above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Continuity of employment

7. For the purposes of—

(a) the Redundancy Payments Act 1965 ; 1965 c. 62.

(b) the Contracts of Employment Act 1972 ; and 1972 c. 53.

(c) the Trade Union and Labour Relations Act 1974, 1974 c. 52.

there shall be deemed to have been no break in the employment of any person who is transferred to the employment of the Agency by virtue of paragraph 1 of this Schedule.

Consequential repeals

8. In section 10(1) of the Local Employment Act 1972 the words "and the Welsh Industrial Estates Corporation" and the words "and Wales respectively" are repealed.

SCHEDULE 3

FINANCIAL AND ADMINISTRATIVE PROVISIONS RELATING TO AGENCY

Financing of the Agency by Government

1.—(1) In respect of the exercise of the functions of the Agency under section 1(3)(b) and (c) above the Secretary of State may, with the consent of the Treasury pay to the Agency out of money provided by Parliament such sums (in this Schedule referred to as "public dividend capital") as the Secretary of State thinks fit.

(2) The Secretary of State may direct that so much of the debt assumed by the Agency under paragraph 7 below as he may, with the approval of the Treasury, determine shall be treated as an addition to that capital.

(3) In consideration of receiving public dividend capital, the Agency shall make to the Secretary of State, as respects each accounting year (except such a year as respects which the Agency

SCH. 3

satisfy the Secretary of State that it is inappropriate to make a payment in pursuance of this sub-paragraph), payments of such amounts as may be proposed by the Agency and agreed by the Secretary of State, or such other amounts as the Secretary of State may determine, after consultation with the Agency; and any sums received by the Secretary of State in pursuance of this sub-paragraph shall be paid into the Consolidated Fund.

(4) The statement of account prepared in respect of any financial year in pursuance of paragraph 4(3) below shall include particulars of the sums which in that year are paid to the Agency or are paid into the Consolidated Fund in pursuance of this paragraph.

(5) The Secretary of State shall not make a payment, signify agreement or make a determination in pursuance of this paragraph except with the approval of the Treasury.

2. The Secretary of State may, out of money provided by Parliament, pay to the Agency—

- (a) such sums, without prejudice to section 12(14) above, in respect of administrative expenses relating to any of their functions, and
- (b) such other sums in respect of the exercise of their functions, other than those to which the public dividend capital relates,

as he may, with the consent of the Treasury, determine.

Borrowing Powers

3.—(1) The Agency may borrow money only—

- (a) in accordance with sub-paragraphs (2) and (3) below, or
- (b) from their wholly owned subsidiaries.

(2) The Agency may borrow temporarily, by way of overdraft or otherwise, such sums as they may require for meeting their obligations and discharging their functions—

- (a) in sterling from the Secretary of State, or
- (b) with the consent of the Secretary of State and the approval of the Treasury, or in accordance with any general authority given by the Secretary of State with the approval of the Treasury, either in sterling or in a currency other than sterling from a person other than the Secretary of State.

(3) The Agency may borrow otherwise than by way of temporary loan such sums as they may require for capital purposes or for fulfilling guarantees entered into by them—

- (a) in sterling from the Secretary of State, or
- (b) with the consent of the Secretary of State and the approval of the Treasury, in sterling from the Commission of the European Communities or the European Investment Bank, or

(c) with the like consent and approval, in any currency other than sterling from a person other than the Secretary of State.

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(4) References to borrowing in this paragraph do not include borrowing under section 12 above.

Government loans to the Agency

4.—(1) The Secretary of State may, with the approval of the Treasury, lend to the Agency any sums which the Agency have power to borrow from him under paragraph 3 above, and the Treasury may issue to the Secretary of State out of the National Loans Fund any sums necessary to enable the Secretary of State to make loans in pursuance of this sub-paragraph.

(2) Any loans made in pursuance of sub-paragraph (1) above shall be repaid to the Secretary of State at such times and by such methods, and interest on the loans shall be paid to him at such times and at such rates, as he may from time to time direct; and all sums received by the Secretary of State in pursuance of this sub-paragraph shall be paid into the National Loans Fund.

(3) The Secretary of State shall prepare in respect of each financial year an account of the sums issued to him in pursuance of sub-paragraph (1) above and the sums received by him in pursuance of sub-paragraph (2) above and of the disposal by him of those sums and shall send the account to the Comptroller and Auditor General before the end of the month of November next following the end of that year; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it and of his report before each House of Parliament.

(4) The Secretary of State shall not make a loan or give a direction in pursuance of this paragraph except with the approval of the Treasury; and the form of the account prepared in pursuance of sub-paragraph (3) above and the manner of preparing it shall be such as the Treasury may direct.

Borrowing by wholly owned subsidiaries

5. It shall be the duty of the Agency to secure that no wholly owned subsidiary of theirs borrows money otherwise than from the Agency or from another wholly owned subsidiary of theirs, except with the consent of the Secretary of State and the approval of the Treasury.

Guarantees

6.—(1) The Treasury may guarantee, in such manner and on such conditions as they think fit, the repayment of the principal of and the payment of interest on any sums which the Agency borrow from a person other than the Secretary of State.

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(2) Immediately after a guarantee is given under this paragraph, the Treasury shall lay a statement of the guarantee before each House of Parliament ; and where any sum is issued for fulfilling a guarantee so given, the Treasury shall lay before each House of Parliament a statement relating to that sum, as soon as possible after the end of each financial year, beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest on it is finally discharged.

(3) Any sums required by the Treasury for fulfilling a guarantee under this paragraph shall be charged on and issued out of the Consolidated Fund.

(4) If any sums are issued in fulfilment of a guarantee given under this paragraph, the Agency shall make to the Treasury, at such time and in such manner as the Treasury from time to time direct, payments of such amounts as the Treasury so direct in or towards repayment of the sums so issued and payments of interest, at such rate as the Treasury so direct, on what is outstanding for the time being in respect of sums so issued.

(5) Any sums received by the Treasury in pursuance of sub-paragraph (4) above shall be paid into the Consolidated Fund.

The Agency's Capital Debt

7.—(1) Upon any acquisition to which this paragraph applies, the Agency shall assume a debt to the Secretary of State of such amount as may be notified to the Agency in writing by him, with the approval of the Treasury.

(2) This paragraph applies to any acquisition by the Agency—

(a) of property held—

(i) by or on behalf of the Crown ; or

(ii) by a company all of whose shares are held by or on behalf of the Crown or by a wholly owned subsidiary of such a company ; or

(b) under section 12 above,

but does not apply to the transfer of property to the Agency under section 7 above.

(3) Subject to sub-paragraph (4) below, in a case to which sub-paragraph (2)(a) above applies, the amount to be notified is the aggregate of the following, namely—

(a) the consideration given when the property was first brought into public ownership, and

(b) the costs and expenses of and incidental to its being brought into public ownership.

(4) If it appears to the Secretary of State in any such case that there has been such a change in circumstances since the property

was first brought into public ownership that its true value would not be reflected by reference to the consideration mentioned in sub-paragraph (3) above, the Secretary of State, with the approval of the Treasury, shall determine the amount to be notified.

(5) In a case to which sub-paragraph (2)(b) above applies, the amount to be notified is the aggregate of the consideration for the acquisition and the costs and expenses of and incidental to it.

(6) The rate of interest payable on so much of the Agency's capital debt as the Secretary of State does not direct to be treated as an addition to the Agency's public dividend capital, and the date from which interest is to begin to accrue, the arrangements for paying off the principal, and the other terms of the debt shall be such as the Secretary of State, with the approval of the Treasury, may from time to time determine; and different rates and dates may be determined under this sub-paragraph with respect to different portions of the debt.

(7) Any sums received by the Secretary of State under sub-paragraph (6) above shall be paid into the National Loans Fund.

Accounts of the Agency, etc.

8.—(1) The Agency shall keep proper accounts and proper records in relation to the accounts and shall prepare in respect of each accounting year a statement of accounts in such form as the Secretary of State may, with the approval of the Treasury, determine.

(2) The statement of account prepared by the Agency for each accounting year shall be submitted to the Secretary of State at such time as he may direct.

(3) The Secretary of State shall, on or before 30th November in any year, transmit to the Comptroller and Auditor General the statement of account prepared by the Agency under this paragraph for the accounting year last ended.

(4) The Comptroller and Auditor General shall examine and certify the statement of account transmitted to him under this paragraph and lay before Parliament copies of the statement of account together with his report thereon.

(5) The Agency shall provide the Secretary of State with such information relating to their activities or proposed activities as he may from time to time require, and for that purpose shall permit any person authorised in that behalf by the Secretary of State or the Comptroller and Auditor General to inspect and make copies of their accounts, books, documents or papers and shall afford to that person such explanation thereof as he may reasonably require.

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Annual report

9.—(1) It shall be the duty of the Agency to make to the Secretary of State as soon as possible after the end of each accounting year a report dealing with the operations of the Agency during that year.

(2) It shall be the duty of the Secretary of State to lay before each House of Parliament a copy of each report received by him under this paragraph.

(3) If a report so laid sets out a direction under section 1 above which was given in connection with the Agency's functions under subsection (3)(b) or (c) of that section, but a copy of which has not been laid in accordance with subsection (11) of that section, a statement of the reason why the copy was not so laid shall be annexed to the Agency's report by the Secretary of State, and the said subsection (11) shall not apply to the direction.

PRINTED IN ENGLAND BY HAROLD GLOVER

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament
'382655)