25th OCTOBER, 1952.

CABINET

IRON AND STEEL BILL

Memorandum by the Minister of Supply.

I attach the final draft of the Iron and Steel Bill as approved by the Steel Committee.

2. The only changes of any significance which have been made since the publication of the White Paper are:

(a) Arrangement A number of separate clauses have been combined and re-arranged to enable a more defensible guillotine timetable to be drawn up.

(b) Clause 8(1) A proviso has been inserted to discourage any future Minister from using his price-fixing powers to depress prices to uneconomic levels.

(c) Clause 25 A new clause has been inserted which provides that companies held by the Agency pending disposal will not be exempted from the operation of the Monopolies Commission.

3. It may be necessary to amend paragraph 10 of the First Schedule in consequence of discussions now being held with the Finance Corporation for Industry in regard to their rights under the 1949 Act, I shall be grateful if the Cabinet will authorise me to settle this in consultation with the Chancellor of the Exchequer.

4. Subject to this, I ask the Cabinet to approve the Bill for presentation to Parliament on 5th November.

D.S.

Ministry of Supply, W.C.2.

25th October, 1952.
ARRANGEMENT OF CLAUSES

PART I
REPEAL OF IRON AND STEEL ACT, 1949, AND DISSOLUTION OF IRON AND STEEL CORPORATION OF GREAT BRITAIN

Clause
1. Repeal of Iron and Steel Act, 1949, and dissolution and transfer of assets etc. of Corporation.

PART II
SUPERVISION OF IRON AND STEEL INDUSTRY

The Iron and Steel Board

2. The Iron and Steel Board.
3. Supervision of iron and steel industry by Board.

Development of iron and steel industry
4. Provision of production facilities.
5. Provision of production facilities to be subject to Board’s consent in certain cases.
6. Special provisions as to carbonisation.

Power of Board to fix maximum prices for iron and steel products
7. Duty of producers to comply with Board’s determination of maximum prices.
8. Powers of Minister as to prices.

Importation and distribution of raw materials, etc. by Board
9. Importation and distribution by Board of raw materials and finished products.

Miscellaneous and General
10. Research and training.
11. Provision of funds for Board.
12. Temporary borrowings and investment by Board.
13. Power of Board to obtain information.
14. Annual report and accounts of Board, publication of statistics, etc.
15. Operation of Part II in relation to subsidiaries of the Agency and agents for Minister.
PART III

DISPOSAL OF ASSETS OF IRON AND STEEL CORPORATION OF GREAT BRITAIN

Clause
16. Duty of Iron and Steel Holding and Realisation Agency to return iron and steel undertakings to private ownership.
17. Powers of Agency in respect of securities and companies.
18. Other financial powers of Agency.
19. Treasury to take over liability for Iron and Steel Stock.
22. Compensation to officers and servants of companies.
24. Exemption from stamp duty.

PART IV

MISCELLANEOUS AND GENERAL

27. Enforcement of certain provisions by injunction.
29. General provisions as to orders, regulations and consents.
30. Expenses of Ministers and saving for powers of Ministers.
31. Interpretation.
32. Application to Northern Ireland.
33. Short title and repeal.

SCHEDULES:

First Schedule—Transitional Provisions, etc.
Second Schedule—Provisions as to Iron and Steel Board and Iron and Steel Holding and Realisation Agency.
Third Schedule—Iron and Steel Activities.
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:—

PART I

REPEAL OF IRON AND STEEL ACT, 1949, AND DISSOLUTION OF IRON AND STEEL CORPORATION OF GREAT BRITAIN

1.—(1) Subject to the provisions of this Act, on such day as the Minister may by order appoint in that behalf (in this Act referred to as "the appointed day")—

(a) the Iron and Steel Act, 1949, shall cease to have effect; and

(b) the Iron and Steel Corporation of Great Britain shall be dissolved.
(b) all the property, rights, liabilities and obligations which, immediately before that day, were property, rights, liabilities and obligations of the Iron and Steel Corporation of Great Britain shall, by virtue of this Act, become property, rights, liabilities and obligations of the Iron and Steel Holding and Realisation Agency constituted under Part III of this Act.

(2) The said Corporation shall, on the expiration of a period of one month beginning with the appointed day, or such longer period beginning with that day as the Minister may direct, cease to exist, and shall have no functions during that period other than the duties imposed on them by or by virtue of Part I of the First Schedule to this Act.

(3) The transitional and supplemental provisions, and savings, set out in the First Schedule to this Act shall have effect in connection with the matters provided for by the preceding provisions of this section.

(4) Save as is expressly provided in the said First Schedule, nothing in this section shall be taken as transferring to the said Agency any statutory powers or duties conferred or imposed on the said Corporation by the Iron and Steel Act, 1949.

PART II

SUPERVISION OF IRON AND STEEL INDUSTRY

The Iron and Steel Board

2.—(1) There shall be a Board to be called the Iron and Steel Board (hereafter in this Act referred to as “the Board”) who shall, as from the appointed day, exercise and perform the functions assigned to them by this Part of this Act.

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

(3) The chairman and all other members of the Board shall be appointed by the Minister from amongst persons appearing to him to be persons who have had wide experience of, and shown capacity in,—

(a) the production of any iron and steel products; or
(b) any activities involving the use for manufacturing purposes of any iron and steel products; or
(c) the organisation of workers; or
(d) industrial, commercial or financial matters; or
(e) administration; or
(f) applied science;

Provided that the chairman shall not be a person who in the opinion of the Minister is directly engaged to a substantial extent in the production of any iron and steel products or in the organisation of workers employed in such production.
(4) Every member of the Board shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment:

Provided that—

5  (a) no appointment or re-appointment of a member of the Board shall be for a term exceeding five years;

(b) any member may at any time by notice in writing to the Minister resign his office.

(5) A person shall be disqualified for being appointed or being a member of the Board so long as he is a member of the Commons House of Parliament.

(6) The Minister may appoint one or more members of the Board to be deputy chairman or deputy chairmen of the Board.

(7) The Board—

15  (a) shall pay to their members such remuneration (whether by way of salary or fees) and such allowances as the Minister may with the approval of the Treasury determine; and

(b) in the case of such members as the Minister may so determine, shall make such provision for the payment of pensions to or in respect of those members as he may so determine.

(8) The provisions of the Second Schedule to this Act (which relate to the procedure of, and other similar matters concerning, the Board and the Agency constituted under Part III of this Act) shall, so far as they relate to the Board, have effect with respect to the Board.

3.—(1) It shall be the duty of the Board to exercise a general supervision over the iron and steel industry, with a view to promoting the efficient, economic and adequate supply under competitive conditions of iron and steel products, and in particular to keep under review—

(a) the productive capacity of iron and steel producers;

(b) the arrangements for procuring and distributing raw materials and fuel for use in the iron and steel industry;

(c) the prices charged in the United Kingdom for iron and steel products;

(d) the arrangements for the promotion of research relating to the iron and steel industry and of the training and education of persons employed or to be employed in the industry;

(e) the arrangements for the promotion of the safety, health and welfare of persons employed in the iron and steel industry; and
(f) the arrangements for joint consultation between iron and steel producers and persons employed by them in the iron and steel industry on matters of mutual interest other than terms and conditions of employment.

(2) The Board may, to such extent as the Minister may authorise them so to do, act as agent for him in the exercise or performance of any of his functions so far as they relate to iron and steel products or raw materials used in the iron and steel industry, except functions under this Act and any power under any enactment to make orders.

(3) In this Act the expression “the iron and steel industry” means—

(a) the activities included in the Third Schedule to this Act, and

(b) any activities deemed by virtue of an order under the next following subsection to be included in that Schedule,

so far as the activities are carried on in Great Britain.

(4) If it appears to the Minister that the processing of iron or steel by a process which, at the passing of this Act, was not being operated, or was not in the opinion of the Minister being operated to a substantial extent, by persons carrying on business in Great Britain, ought to be treated as included in the Third Schedule to this Act, having regard to the similarity of the products of that process to any existing iron and steel products, he may by order provide that the processing of iron or steel by that process shall be deemed for the purposes of this Act to be included in the said Schedule, and this Act shall have effect accordingly:

Provided that no order shall be made under this subsection except on the recommendation of the Board, and, before recommending the making of any such order, the Board shall consult with such organisations as appear to them to be representative of the persons carrying on business in Great Britain who operate that process.

Development of iron and steel industry

4.—(1) The Board shall from time to time consult with such iron and steel producers and such representative organisations as the Board consider appropriate, with a view to securing the provision and use by iron and steel producers of such additional production facilities in Great Britain as may be required for the efficient, economic and adequate supply of iron and steel products.

(2) If—

(a) the Board report to the Minister that additional production facilities in Great Britain are required for the
efficient, economic and adequate supply of iron and steel products, or it appears to the Minister, after consultation with the Board, that additional production facilities in Great Britain are required in the national interest; and

(b) the Board report to the Minister that they cannot secure by means of consultation under the preceding subsection the provision and use of the additional facilities required;

the Minister may, with the approval of the Treasury, himself provide and use those facilities, or make arrangements with any persons for the provision or use of those facilities by those persons, whether as agents for the Minister or otherwise.

(3) If it appears to the Minister, after consultation with the Board, that any existing production facilities in Great Britain which would not otherwise be kept in use ought in the national interest to be kept in use, he may, with the approval of the Treasury, himself acquire or take on lease, and use, those facilities or make arrangements with any persons for securing the use of those facilities by those persons, whether as agents for the Minister or otherwise.

(4) The persons with whom arrangements are made under this section may be companies formed for that purpose at the instance of the Minister.

(5) Any sums falling to be paid by the Minister by virtue of any exercise by him of the powers conferred by this section shall be paid out of moneys provided by Parliament, and any sums received by him in consequence of any exercise by him of the said powers shall be paid into the Exchequer.

5.—(1) Subject to the provisions of this section, the Board may from time to time, by a notice published in such manner as they think best adapted for informing the persons affected, require that, in such cases as may be defined in the notice by reference to size, cost, class of products or other relevant factors, any person proposing to provide or procure the provision of any additional production facilities in Great Britain shall give particulars in writing of the proposal to the Board and shall not proceed therewith without the consent in writing of the Board.

(2) Before publishing any notice under the preceding subsection, the Board shall consult with such iron and steel producers and such representative organisations as they consider appropriate with a view to ensuring that no person will be required by the notice to give to the Board particulars of any proposal which, by reason of the limited size or cost of the proposed additional production facilities or the class of products
Special provisions as to carbonisation.

Duty of producers to comply with Board's determination of maximum prices.

Power of Board to fix maximum prices for iron and steel products.

7.—(1) The Board may, as respects any iron and steel products, determine the maximum prices to be charged in the United Kingdom for those products by iron and steel producers, and it shall be the duty of every such producer not to charge for those products, when sold in the United Kingdom, prices greater than the maximum prices so determined:

Provided that, before making any determination under this subsection, the Board shall consult with such iron and steel producers and such representative organisations as they consider appropriate, and the Board shall not make any determination under this subsection which would in their opinion be inconsistent with promoting the efficient, economic and adequate supply of iron and steel products.
(2) Any determination under this section may, in the case of all or any of the products to which it relates, either—
   
   (a) itself specify the maximum price which may be charged; or

   (b) contain instructions for ascertaining the said maximum price,

and, without prejudice to the generality of the preceding words, such a determination may provide for the maximum price varying according to such circumstances as may be specified in the determination.

(3) Where the Board have made a determination under this section, the Board shall publish, in such manner as appears to them best adapted for informing the persons affected, a notice—

   (a) setting out the determination; or

   (b) giving such particulars of the effect of the determination as the Board think fit and stating the places where persons interested may, free of charge, inspect, copy, and make extracts from, copies of the determination; and the determination shall not take effect until such date as may be specified in the notice.

(4) Any determination under this section may be varied or replaced by a subsequent determination under this section, or may, by a notice published in such manner as aforesaid, be revoked by the Board as from such date as may be specified in the notice.

(5) Where it appears to the Board that any iron and steel producer has entered into arrangements with any other person (herein referred to as “the selling agent”) whereby the whole or a substantial part of the producer’s output of any iron and steel products to which a determination of the Board under this section relates, so far as that output is sold in the United Kingdom, is sold by the selling agent, and that the determination ought to apply to sales by the selling agent of those products of the producer, the Board may, by notice in writing to the selling agent, inform him that the determination will apply to sales by him of those products, and thereupon, until the notice is revoked by the Board, the duty of the producer under this section shall, as respects those products, extend to the selling agent.

(6) For the purposes of this section, the products of an activity included in the Third Schedule to this Act shall be deemed to remain the products of that activity notwithstanding that they have been subjected—

   (a) to any process of heat treatment, or

   (b) to any process of coating other than vitreous, porcelain or stove enamelling, or
(c) to any process of corrugation, or

(d) to any process or operation (other than the machining of forgings and castings) incidental to the activity in question which in the opinion of the Board should be treated for the purposes of this section as part of that activity, being a process or operation to which the products of that activity are commonly subjected by persons carrying on that activity,

not in any case being a process or operation comprised in an activity included in the said Schedule; and the Board may determine different prices for the said products according to whether they have or have not been subjected to any such process or operation as is mentioned in (and not excepted from) paragraphs (a), (b), (c) and (d) hereof.

(7) Any maximum price determined under this section for any products may be determined so as to include or not to include a charge for delivery and, where it includes such a charge, the charge may vary according to the place of delivery, the method of transport, or any other variable factor affecting the cost of delivery.

8.—(1) The Minister may, after consultation with the Board, by order direct the Board to make a determination under the last preceding section with respect to any iron and steel products, or to vary or replace any determination made by the Board thereunder, and the order may specify the determination (whether new or substituted) or the variation to be made by the Board or may contain such directions as to the nature of that determination or variation as the Minister thinks fit; and the Board shall comply with the order and shall not, while the order remains in force, make any determination of prices under the last preceding section which is inconsistent with the order:

Provided that the Minister shall not give any such direction to the Board unless he considers that it is necessary in the national interest and consistent with promoting the efficient, economic and adequate supply of iron and steel products.

(2) While any order of the Minister under Regulation 55AB of the Defence (General) Regulations, 1939, is in force with respect to any iron and steel products, the Board shall not exercise their powers under the last preceding section with respect to those products, and, on the coming into force of any such order with respect to any iron and steel products, any determination of the Board then in force shall, if and so far as it relates to those products, cease to have effect.

(3) As from the appointed day, the Minister shall, before making any order under Regulation 55AB of the Defence (General) Regulations, 1939, with respect to any iron and steel products or any iron or steel scrap, consult with the Board.
Importation and distribution of raw materials etc. by Board

9.—(1) If the Board are satisfied, after consultation with such representative organisations as they think appropriate,—

(a) that the importation into Great Britain of any raw material for use in the iron and steel industry and the distribution of that material when imported can with advantage be undertaken as a common service for the iron and steel industry; and

(b) that satisfactory arrangements do not exist and operate for securing such importation and distribution of that raw material;

the Board may make arrangements with any persons for them to undertake, whether as agents for the Board or otherwise, such importation and distribution of that raw material.

(2) The Board may, after consultation with such representative organisations as they consider appropriate, and if so directed by the Minister shall, make arrangements with such persons as the Board think fit for the importation into Great Britain by those persons, whether as agents for the Board or otherwise, of any iron and steel products (other than products intended for use as raw materials in the iron and steel industry), and for the distribution by those persons of those products when imported:

Provided that the Board shall not exercise their power under this subsection and the Minister shall not give a direction under this subsection unless it appears to the Board or, as the case may be, to the Minister that the supply of those products for use in Great Britain is inadequate.

(3) The persons with whom arrangements are made under this section may be companies formed for that purpose at the instance of the Board.

(4) Arrangements made by the Board under this section shall not, except with the consent of the Minister, provide for the sale of imported materials or products at prices lower than the cost of their importation and distribution.

Miscellaneous and General

10.—(1) If and so far as existing arrangements appear to the Board to be inadequate, the Board shall take such steps as may from time to time appear to them to be practicable and desirable for the promotion of—

(a) research relating to the iron and steel industry; and

(b) the training and education of persons employed or to be employed in that industry.
A.D. 1952

PART II
—cont.

Provision of funds for Board.

11.—(1) The Board shall, after consulting such representative organisations as they consider appropriate, prepare a scheme for the provision, by means of periodical contributions by iron and steel producers, of funds to meet any expenditure of the Board incurred or to be incurred—

(a) in the exercise and performance of their functions under section nine or section ten of this Act or in the discharge of liabilities under the next following section;

(b) in respect of remuneration, allowances or pensions of members of the Board; or

(c) in respect of the administrative expenses of the Board.

(2) The said scheme may require contributions to be made either by all iron and steel producers or by such class or classes of those producers as may be determined by the scheme, and the scheme shall provide for ascertaining the amounts of the contributions by such method as may be specified in the scheme and may, in particular, provide for the variation of the contributions in accordance with such circumstances as may be so specified, and may make different provision for the payment of contributions by different classes of those producers.

(3) The Board shall submit the said scheme to the Minister, and shall publish, in such manner as the Minister may approve, a notice stating that they have submitted the scheme, and specifying a place where copies thereof may be obtained free of charge by iron and steel producers affected by the scheme and further stating that objections in writing to the scheme should be sent to the Minister before the expiration of such time (not being less than twenty-eight days from the publication of the notice) as may be specified in the notice.

(4) The Minister shall consider any objections made to him before the expiration of the time so specified and may, if he thinks fit so to do, by order confirm the scheme either without modification or, after consultation with the Board, with such modification as he thinks fit, and, where he confirms the scheme, the scheme as confirmed shall come into force on such date as may be specified in the order.

(5) The amount of any contribution payable by any person under the said scheme shall be a debt due by him to the Board.
12.—(1) The Board may borrow temporarily, by way of over­
draft or otherwise, such sums as the Board may require for  Temporary
exercising and performing their functions under this Act.  borrowings

(2) The Treasury may, if in their opinion any functions of the  investment
Board under this Act cannot otherwise be effectively exercised or  or Board.
performed, guarantee, in such manner and on such conditions as  the Treasury think fit, the repayment of, and the payment of any  guarantee, in such manner and on such conditions as
interest on, any money borrowed by the Board under this  the Treasury think fit, the repayment of, and the payment of any
section:  interest on, any money borrowed by the Board under this

Provided that the amount outstanding in respect of the principal of loans guaranteed under this subsection shall not at any  Provided that the amount outstanding in respect of the principal of loans guaranteed under this subsection shall not at any
time exceed one million pounds.

(3) Any sums required by the Treasury for fulfilling any such  (3) Any sums required by the Treasury for fulfilling any such
guarantee as aforesaid shall be charged on and issued out of the  guarantee as aforesaid shall be charged on and issued out of the
Consolidated Fund.

(4) Immediately after a guarantee is given under this section,  (4) Immediately after a guarantee is given under this section,
the Treasury shall lay a statement thereof before each House of  the Treasury shall lay a statement thereof before each House of
Parliament, and shall, as respects any financial year in which  Parliament, and shall, as respects any financial year in which
any sums are paid in fulfilment of any such guarantee or any  any sums are paid in fulfilment of any such guarantee or any
repayment of such sums is made by the Board, lay before each  repayment of such sums is made by the Board, lay before each
House of Parliament an account of the sums so paid or repaid.

(5) The Board shall have power to invest, in such manner as  (5) The Board shall have power to invest, in such manner as
they think fit, any moneys of the Board which are not for the  they think fit, any moneys of the Board which are not for the
30 time being required for any other purpose:

Provided that the Board shall not invest any moneys in  Provided that the Board shall not invest any moneys in
securities of any company being an iron and steel producer.

13.—(1) It shall be the duty of every iron and steel producer  Power of Board
to produce to any person authorised by the Board, on  to obtain
production by that person, if so required, of any duly  information.
authenticated document showing his authority, such books of  authenticated document showing his authority, such books of
account, records and documents, to supply to him copies of or extracts from such books, records and  account, records and documents, to supply to him copies of or extracts from such books, records and
documents, and to furnish to him such other information, as may reasonably be required by the Board for  documents, and to furnish to him such other information, as may reasonably be required by the Board for
the purposes of their functions under this Act; and  the purposes of their functions under this Act; and

(b) to provide facilities for the examination by that person  (b) to provide facilities for the examination by that person
of any such books, records and documents, and the taking  of any such books, records and documents, and the taking
by him of copies thereof and extracts therefrom, and  by him of copies thereof and extracts therefrom, and

40
facilities for the inspection by him of any property of the iron and steel producer, being property to which information furnished by the producer to the Board relates, for the purpose of verifying that information.

(2) If any person fails to comply with the requirements of this section, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine, and, if the default in respect of which he is convicted is continued after the conviction, he shall be guilty of a further offence punishable as aforesaid except that the fine to which he may be sentenced shall be a fine not exceeding one hundred pounds or five pounds for each day on which the default is so continued, whichever is the greater.

14.—(1) The Board shall, as soon as may be after the end of each financial year of the Board, make a report to the Minister as to the exercise and performance of their functions under this Act in that year, and the Minister shall lay a copy of every such report before each House of Parliament.

(2) The Board shall keep proper accounts and other records and shall prepare in respect of each financial year of the Board a statement of the accounts of the Board; and the accounts of the Board shall be audited by auditors to be appointed annually by the Board.

(3) The Board shall publish, or make available for inspection at their offices a copy of, the said statement of accounts and any report made by the auditors on that statement or on the accounts of the Board.

(4) The Board shall compile and publish, or secure the compilation and publication of, such periodical statistics and reports relating to iron and steel products as may appear to them to be expedient.

(5) It shall be the duty of the Board to furnish to the Minister any information required by him for the purposes of any of his functions under this Act which is in their possession or which it is within their power to obtain.

15. It is hereby declared for the avoidance of doubt that any provision of this Part of this Act conferring or imposing functions on the Board or the Minister operates in relation to companies which are subsidiaries of the Agency constituted under Part III of this Act, and companies and persons acting as agents for the Minister, as it operates in relation to other persons:

Provided that the provision of production facilities under subsection (2) of section four of this Act shall not require the consent of the Board under section five thereof.
PART III

DISPOSAL OF ASSETS OF IRON AND STEEL CORPORATION OF GREAT BRITAIN

16.—(1) There shall be a body to be called the Iron and Steel Holding and Realisation Agency (hereafter in this Act referred to as “the Agency”), and it shall be the duty of the Agency to secure, by the exercise of their powers under this Act, the return to private ownership of the undertakings which on the appointed day are owned by the subsidiaries of the Agency:

Provided that the Agency may discharge their duty under this section in such manner, and by such stages, and with such postponements of the sale of securities or other assets, as they may with the approval of the Treasury determine, and pending the discharge of the said duty the Agency shall so exercise their powers as a holding company as to promote the efficient direction of their subsidiaries.

(2) The Agency shall consist of a chairman and not less than three nor more than six other members to be appointed by the Treasury.

(3) Every member of the Agency shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for reappointment:

Provided that any member may at any time by notice in writing to the Treasury resign his office.

(4) A person shall be disqualified for being appointed or being a member of the Agency so long as he is a member of the Commons House of Parliament.

(5) The Agency shall pay to their members such remuneration (whether by way of salary or fees) and such allowances as the Treasury may determine.

(6) The provisions of the Second Schedule to this Act (which relate to the procedure of, and other similar matters concerning, the Board and the Agency) shall, so far as they relate to the Agency, have effect with respect to the Agency.

17.—(1) Subject to the provisions of this section, the Agency shall have power to sell or otherwise dispose of any securities of a company which are for the time being vested in them.

(2) Subject to the provisions of this section, while any securities of a company are held by the Agency, they shall have all such rights and may exercise all such powers in relation to the company as are by law vested in or exercisable by the holders.
of such securities and in particular, without prejudice to the
generality of this provision, the Agency may exercise their powers
as a holding company for the purpose of procuring—

(a) any reorganisation or alteration of the share or loan
capital of any subsidiary of the Agency, including the
cancellation of securities and the issue of new
securities;

(b) the sale or other disposal or the lease or hire of any
assets of any subsidiary of the Agency;

(c) the winding up of any such subsidiary or the amalgama-
tion of any such subsidiary with any other company or
companies.

(3) Subject to the provisions of this section, the Agency may
acquire any securities of a subsidiary of the Agency.

(4) Subject to the provisions of this section, the Agency shall
have power to form companies for the purpose of procuring the
sale or other disposal or lease or hire to those companies of any
assets or securities of companies any of whose securities are held
by the Agency, of subsidiaries of such companies and of
subsidiaries of the Agency.

(5) The appropriate department may give directions to the
Agency as to the exercise of their powers under this section,
and the Agency shall comply with any such directions, and the
Agency shall not exercise any of the powers mentioned in sub-
section (1) of this section, or in paragraphs (a), (b) and (c) of
subsection (2) thereof, or in the two last preceding subsections,
except in pursuance of directions of, or with the consent of, or
in accordance with the terms of a general authority given by,
the appropriate department.

(6) Where the Agency propose, in the exercise of their powers
under the preceding provisions of this section, to carry out any
grouping or regrouping of the undertakings or parts of the
undertakings of any subsidiaries of the Agency, the Agency shall
consult with the Board before proceeding with the proposal.

(7) In this section the expression “the appropriate depart-
ment” means the Treasury, except that, in relation to such
matters as may from time to time be determined by the
Treasury, it means the Minister; and the Treasury shall give
notice to the Agency of any determination made by them under
this section.

Other financial
powers of
Agency.

18.—(1) The Agency may, with the consent of the Treasury
or in accordance with the terms of any general authority given
by the Treasury,—

(a) make loans to any company any of whose securities are
held by the Agency or to any subsidiary of such a
company or of the Agency;
(b) give guarantees to any person in respect of the principal of and the interest on any debts contracted or to be contracted by any such company or subsidiary as aforesaid;

(c) subscribe for any securities of any such company or subsidiary as aforesaid; and

(d) acquire any assets of any such company or subsidiary as aforesaid.

(2) The Agency may, with the consent of the Treasury or in accordance with the terms of any general authority given by the Treasury, borrow temporarily by way of overdraft or otherwise such sums as the Agency may require for the exercise and performance of their functions under this Act:

Provided that the aggregate of amounts outstanding in respect of sums so borrowed shall not at any time exceed ten million pounds.

(3) Any property of the Agency, other than the securities of any company, shall, if it is not required for the exercise or performance of the functions of the Agency, be sold or otherwise disposed of by the Agency.

19.—(1) Subject to the provisions of this section, all the rights and liabilities which, under the terms of issue of British Iron and Steel Three and a half per cent. Guaranteed Stock, 1979-1981, outstanding at the appointed day, were immediately before that day rights and liabilities of the Iron and Steel Corporation of Great Britain shall, as from that day, be rights and liabilities of the Treasury.

(2) As from the appointed day, the said stock shall be re-named Three and a half per cent. Treasury Stock, 1979-1981, but, notwithstanding anything in this section, shall be regarded as the same stock and held in the same right and on the same trusts subject to the same powers, privileges, charges, restraints and liabilities as before, and any provision of any deed, will, disposition or other instrument which immediately before the appointed day was applicable to British Iron and Steel Three and a half per cent. Guaranteed Stock, 1979-1981, shall continue to be applicable to the said stock as re-named.

(3) As from the appointed day, the said stock shall, subject to the transitional provisions contained in paragraph 14 of the First Schedule to this Act, be deemed for all purposes to have been created and issued under the National Loans Act, 1939, and that Act and any other enactment, regulation or rule relating to securities issued under that Act shall apply accordingly to the said stock.
20.—(1) There shall be established an Account to be called the Iron and Steel Realisation Account which shall be under the control and management of the Treasury, and there shall be paid into the said Account all moneys from time to time accruing to the Agency, less such sums as may with the consent of the Treasury be retained by the Agency for the exercise and performance of their functions under this Act.

(2) If the amount of the receipts of the Agency properly creditable to revenue account for any financial year of the Agency exceeds the amount of their outgoings properly chargeable to revenue account for that year, the Treasury shall pay the amount of the excess into the Exchequer out of the Iron and Steel Realisation Account.

(3) The Treasury may from time to time issue to the Agency out of the Iron and Steel Realisation Account such sums as the Agency may require for the exercise and performance of their functions under this Act.

(4) The Treasury may from time to time issue into the Iron and Steel Realisation Account out of the Consolidated Fund such sums, not exceeding in the aggregate one hundred and fifty million pounds, as appear to the Treasury to be required to enable them to make any issues or payments falling to be made out of the said Account under this Act.

(5) For the purpose of providing sums (or any part of sums) to be issued under the last preceding subsection, or of providing for the replacement of all or any part of sums so issued, the Treasury may, at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939, and any securities created and issued under this section shall be deemed for all purposes to be created and issued under that Act.

(6) Any moneys standing to the credit of the Iron and Steel Realisation Account which in the opinion of the Treasury are not required for the making of payments out of the said Account under this section or any other provision of this Act shall be paid into the Exchequer and shall be issued out of the Consolidated Fund at such times as the Treasury may direct, and shall be applied by the Treasury in redeeming or paying off debt of such description as they think fit.

(7) Any Government securities from time to time coming into the hands of the Agency shall be transferred to the Treasury or to such nominees as the Treasury may appoint, and shall be applied by the Treasury in such manner (including the cancellation of such securities) as the Treasury think fit in redeeming or paying off debt of such description as they think fit.
(8) The Treasury shall, as respects each financial year, prepare an account of the transactions of the Iron and Steel Realisation Account, and of any securities transferred to or coming into the hands of the Treasury or their nominees under this section or any other provision of this Act, and of the disposal of those securities.

(9) Any account prepared under the last preceding subsection shall, on or before the thirtieth day of November next following the expiration of the financial year in question, be transmitted to the Comptroller and Auditor General, who shall examine and certify the account and lay copies thereof, together with his report thereon, before each House of Parliament.

21.—(1) The Agency shall, as soon as possible after the end of each financial year of the Agency, make to the Treasury a report on the exercise and performance of their functions during that year, and the Treasury shall lay a copy of every such report before each House of Parliament.

(2) The Agency shall keep proper accounts and other records and shall prepare in respect of each financial year of the Agency a statement of accounts in such form as the Treasury may direct, and the accounts of the Agency shall be audited by auditors to be appointed annually by the Treasury.

(3) As soon as the accounts of the Agency have been audited, they shall send a copy of the statement of accounts referred to in the last preceding subsection to the Treasury together with a copy of any report made by the auditors on that statement or on the accounts of the Agency, and the Treasury shall lay a copy of every such statement and report before each House of Parliament.

(4) The Agency shall furnish to the Treasury such information which is in their possession or which it is in their power to obtain as the Treasury may from time to time require for the purposes of their functions under this Act.

(5) The Agency shall, if and to the extent that the Treasury so direct, furnish to the Board such information in the Agency’s possession as the Board may require for the purpose of their functions under this Act.

22.—(1) The Minister shall by regulations require the payment by the Agency, in such cases and to such extent as may be specified in the regulations, of compensation to—

(a) persons who were officers or servants of a company which came into public ownership within the meaning of the Iron and Steel Act, 1949, and suffered or suffer loss of employment or loss or diminution of emoluments or pension rights in consequence of the company becoming a publicly-owned company within the meaning of the said Act;
(b) persons who on the appointed day were officers or
servants of a company which on that day became a
subsidiary of the Agency, being officers or servants
who suffer loss of employment or loss or diminution
of emoluments or pension rights in consequence of any
grouping or regrouping of undertakings or parts of
undertakings in pursuance of the Agency's duty to
secure the return to private ownership of the under­
takings which on the appointed day were owned by
the subsidiaries of the Agency.

(2) Different regulations may be made under this section 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, which may, in the case of regulations applying
to the persons mentioned in paragraph (a) of the preceding sub­
section, be prior to the appointed day:
Provided that so much of any regulations as provides that
any provision thereof 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 than he would have been in if the
regulations had been made to have effect only as from the date
of the making thereof.

(3) Regulations made under this section—
(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 in particular contain provisions enabling appeals
from any determination as to whether any or what
compensation is payable to be brought, in such cases
and subject to such conditions as may be prescribed
by the regulations, before a referee or board of referees
appointed by the Minister of Labour and National
Service, after consultation with the Lord Chancellor or,
where the proceedings are to be held in Scotland, after
consultation with the Secretary of State,

and where any such provision is made as is specified in para­
graph (b) of this subsection, the decision of the referee or board
of referees shall be final.

(4) The Minister of Labour and National Service may, with
the consent of the Treasury, pay—

(a) to any referee or to the members of any board of
referees appointed by him under this section such fees
and allowances as he may with the consent of the
Treasury determine; and
(b) to persons giving evidence before any such referee or board such allowances as he may with the consent of the Treasury determine.

(5) Nothing in the Arbitration Act, 1950, shall be construed as applying to any proceedings before a referee or board of referees appointed under this section by the Minister of Labour and National Service.

23.—(1) If at any time it appears to the Treasury that the duty of the Agency under section sixteen of this Act has been substantially discharged, the Treasury may by order dissolve the Agency as from such date as may be specified in the order, and make such provision as appears to them to be necessary or expedient for winding up the affairs of the Agency.

(2) If, immediately before the dissolution of the Agency, the Agency have any property, rights, liabilities or obligations, the order shall make provision—

(a) for transferring them, by virtue of the order, to a Minister of the Crown or his nominees or agents and for the disposal or discharge thereof; and

(b) for the payment into the Exchequer or, as the order may provide, into the Iron and Steel Realisation Account of sums transferred by or accruing under the order to any Minister of the Crown, and the payment out of moneys provided by Parliament or, as the order may provide, out of the said Account of any sums required to be provided for the purposes of the order.

(3) Any such order may make provision for the transfer to the Treasury or their nominees, and the cancellation, of Government securities transferred to or coming into the hands of any Minister of the Crown or his nominees or agents by or under the order.

(4) In this section the expression “Minister of the Crown” includes the Treasury and the Admiralty.

24.—(1) Stamp duty shall not be payable on—

(a) any conveyance, agreement or assignment made or instrument executed solely for the purpose of giving effect to any sale or other disposal by the Agency of any securities of a company or other assets of the Agency or any sale or other disposal or lease or hire procured by the Agency of any assets of a subsidiary of the Agency;

(b) any order under the last preceding section.

(2) Where a company is to be formed by the Agency, or the amount of the nominal share capital of a subsidiary of the Agency is to be increased, stamp duty shall not be chargeable in respect of so much of the nominal share capital of the company...
or, as the case may be, of the increase of the nominal share capital of the subsidiary as, in the opinion of the Treasury, is to be issued while the company or subsidiary is or remains a subsidiary of the Agency—

(a) as, or as part of, the consideration for the transfer of any assets of the Agency or of any subsidiary of the Agency, or for the purpose of raising any money required to be paid as, or as part of, such consideration, or

(b) for the purpose of facilitating the performance by the Agency of the duty imposed on them by section sixteen of this Act.

(3) Section twelve of the Finance Act, 1895 (which requires Acts to be stamped as conveyances on sale in certain cases), shall not apply to the transfer of property by section one of this Act or by an order under the last preceding section.

PART IV

MISCELLANEOUS AND GENERAL

25. No provision of this Act nor any consent, authorisation, direction, or arrangement given or made thereunder shall, for the purposes of the proviso to subsection (1) of section two of the Monopolies and Restrictive Practices (Inquiry and Control) Act, 1948, be taken to authorise expressly the prevalence of conditions to which that Act applies, but for the purpose of determining whether any companies are inter-connected bodies corporate within the meaning of that Act the fact that those companies are subsidiaries of the Agency shall be disregarded.

26.—(1) It is hereby declared for the avoidance of doubt that, except where the Board act as agent for the Minister under section three of this Act, neither the Board nor the Agency are to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown and no property of the Board or the Agency is to be regarded as property of, or held on behalf of, the Crown.

(2) Save as is expressly provided by this Act with respect to stamp duty, nothing in this Act shall be deemed to exempt the Board or the Agency from liability to any tax, duty, rate, levy or charge whatsoever, whether general or local.

(3) The Public Authorities Protection Act, 1893, and section twenty-one of the Limitation Act, 1939, shall not apply to any action, prosecution or proceeding against the Board or the Agency, or for or in respect of any act, neglect or default done or committed by a servant or agent of the Board or Agency in his capacity as a servant or agent of theirs.
27.—(1) No criminal proceedings shall lie in respect of any contravention of a requirement imposed under section five of this Act or of a duty imposed by section seven of this Act, but civil proceedings shall lie, at the instance of the Board, for an injunction restraining any person—

(a) from providing or procuring the provision of additional production facilities without the consent of the Board in a case where such consent is required under the said section five, or

(b) from charging for any iron and steel products prices greater than those determined by the Board for those products under the said section seven, in default of his duty under that section,

in like manner as if the said requirement or duty were a contractual obligation of that person to the Board.

(2) Without prejudice to the powers of the court in relation to the grant of injunctions, where the court grants an injunction restraining any person from charging prices for any products under the said section seven, the order of the court may be framed—

(a) so as to apply in respect of the sale by the defendant of any products in relation to which a determination of the Board under the said section is then in force;

(b) so as to apply not only to determinations of the Board then in force but also to subsequent determinations relating to any such products as aforesaid.

(3) Where any determination in force under the said section seven is one that has been made or varied in pursuance of an order of the Minister under section eight of this Act, the Minister as well as the Board may bring proceedings for an injunction for the purpose of enforcing that determination in like manner as if the duty imposed on any person by section seven of this Act in relation to that determination were a contractual obligation of that person to the Minister as well as to the Board.

(4) In relation to proceedings in Scotland this section shall have effect with the substitution, for references to an injunction, of references to an interdict.

28.—(1) No information relating to any individual business, or to the interest of any person in any securities, obtained under this Act or the Iron and Steel Act, 1949, shall, without the previous consent in writing of the owner for the time being of that business or of that person, be published or disclosed unless—
A.D. 1952
PART IV
—cont.

(a) the publication or disclosure is required in connection with the execution or for the purposes of this Act or of that Act, so far as it remains in force; or

(b) the publication or disclosure is required for the purposes of any proceedings under this Act or that Act or any report of those proceedings,

and, if any person publishes or discloses any information in contravention of this section, he shall be guilty of an offence.

(2) If, with intent to deceive, any person produces, furnishes, sends or otherwise makes use of, for any of the purposes of this Act, or of the Iron and Steel Act, 1949, so far as it remains in force, any book, account, estimate, return, declaration or other document which is false in a material particular, he shall be guilty of an offence.

(3) If, in furnishing any information for the purposes of this Act or of the Iron and Steel Act, 1949, so far as it remains in force, any person makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence.

(4) If any person commits an offence under this section, he shall—

(i) on summary conviction, be liable to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine; and

(ii) on conviction on indictment, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds or to both such imprisonment and such fine.

29.—(1) Any power of the Minister or the Treasury to make orders or regulations under this Act shall be exercisable by statutory instrument, and—

(a) no such statutory instrument giving effect to an order under section three or section eight of this Act shall be made unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament;

(b) any other such statutory instrument, except an instrument appointing a day under section one of this Act or making provision for defining the expression “financial year of the Board” or the expression “financial year of the Agency” under section thirty-one of this Act, shall be subject to annulment in pursuance of a resolution of each House of Parliament.
(2) Any power of the Minister or Treasury to make an order under this Act, except an order confirming a scheme under section eleven of this Act, shall be construed as including a power, exercisable in the like manner and subject to the like conditions, to revoke or vary the order.

(3) Any order or regulations of the Minister or Treasury under this Act may contain such incidental and consequential provisions as may appear to him or them to be necessary or expedient for the purposes of the order or regulations.

(4) Any consent or approval authorised to be given by this Act may be given either absolutely or subject to conditions and, except in the case of a consent under section five of this Act, may be revoked by the authority authorised to give it.

30.—(1) There shall be defrayed out of the moneys provided by the Consolidated Fund for the payment of any administrative expenses incurred under this Act by the Minister or the Treasury or the Minister of Labour and National Service, including such sums in respect of the cost to the Board of acting as agent for the Minister under section three of this Act as the Minister may, with the approval of the Treasury, determine.

(2) Save so far as is expressly provided, no provision of this Act conferring powers on the Minister, the Treasury or the Board shall be taken as affecting the exercise, in relation to any person as respects whom that power is exercisable, of any power conferred by or under any enactment other than this Act on any Minister of the Crown or Government department.

31.—(1) In this Act, except so far as the context otherwise requires—

“company” means a company within the meaning of the Companies Act, 1948, and a body incorporated by Royal Charter;

“the Consolidated Fund” means the Consolidated Fund of the United Kingdom and includes the growing produce thereof;

“financial year of the Board” and “financial year of the Agency” mean a period of twelve months ending with a day to be prescribed by order of the Minister in the case of the Board or by order of the Treasury in the case of the Agency, so however that—

(a) the order prescribing the said day may make special provision about the first financial year and may provide for it being a period greater or less than twelve months; and
(b) any amending order changing the prescribed day may make similar special provision as to the financial year immediately preceding the date on which the change becomes effective;

"functions" means powers and duties;

"Government securities" means any securities the principal of and interest on which are charged on the Consolidated Fund;

"holding company" shall be construed in accordance with section one hundred and fifty-four of the Companies Act, 1948;

"iron" and "steel" include, respectively, alloy iron and alloy steel containing in each case more than fifty-five per cent. of pure iron by weight;

"iron and steel industry" has the meaning assigned to it by section three of this Act;

"iron and steel producer" means a person carrying on in Great Britain a business comprising any of the activities included in the Third Schedule to this Act;

"iron and steel products" means products of any of the activities included in the Third Schedule to this Act;

"loan capital", in relation to a company, means the securities of the company which do not form part of its share capital;

"manufacturing purposes" includes the carrying out of building operations and works of construction or civil engineering and the treatment of products by any process;

"the Minister" means the Minister of Supply;

"officer" includes a managing director and a director whose functions are substantially those of a managing director or of an employee, but not any other director;

"pension", in relation to any person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a gratuity so payable;

"pension rights" includes, in relation to any person, all forms of right to or eligibility for the present or future payment of a pension to or in respect of that person, and any expectation of the accruer of a pension to or in respect of that person under any customary practice, and includes a right of allocation in respect of present or future payment of a pension;
“private ownership”, in relation to any undertaking which on the appointed day was owned by a subsidiary of the Agency, means—

(a) beneficial ownership by a body corporate as respects which the following condition is satisfied, namely that neither securities of that body nor securities of any holding company of that body are held to a substantial extent by or on behalf of the Crown or the Agency or any public authority or any subsidiary of the Crown or the Agency or any public authority; or

(b) beneficial ownership by an individual or ownership by a trustee holding on trust for the benefit of an individual, partnership or such a body corporate as aforesaid;

and any such undertaking as aforesaid shall be deemed to have returned to private ownership if all the works which were comprised in that undertaking on the appointed day and remain in operation are in private ownership;

“production facilities” means premises, plant or machinery used or proposed to be used for the carrying on of any activity included in the Third Schedule to this Act or for the carrying on of any incidental activity (and, in particular, any activity relating to carbonisation) in connection with any activity included in the said Schedule;

“products”, in relation to any activity, means direct products of that activity, and does not include any by-products thereof;

“raw material” includes any thing used as material in producing any products, notwithstanding that that thing has itself already been subjected to any process or processes, and in particular includes, in relation to iron and steel products, iron or steel scrap;

“representative organisations” means such organisations as appear to the Board to be representative of iron and steel producers or of any class of iron and steel producers;

“securities”, in relation to a body corporate, means any shares, debentures, debenture stock, loan stock, mortgages, income notes, income stock, funding certificates and securities of a like nature;

“subsidiary” shall be construed in accordance with section one hundred and fifty-four of the Companies Act, 1948,
subject to the modification that the reference to any body corporate shall include a reference to the Crown or any public authority;

"works" means any mine or quarry or any factory within the meaning of the Factories Act, 1937, and, for the purposes of this Act, the extension, alteration or re-equipment of any works, or the replacement of any machinery or equipment therein, shall not be deemed to change the identity of the works.

(2) References in this Act to the provision of additional production facilities shall be construed as references to the provision of new production facilities and to the reconstruction or adaptation of, or making of additions to, existing production facilities, and references in this Act to the use of additional production facilities shall be construed as references to the use of new production facilities and of existing production facilities so reconstructed, adapted or added to.

32.—(1) Without prejudice to the provisions of this Act relating to the prices of iron and steel products, this Act shall not extend to Northern Ireland unless there is in force an Order in Council made in pursuance of a resolution passed by both Houses of the Parliament of Northern Ireland directing that this Act shall extend to Northern Ireland; and any such Order in Council may be revoked by a subsequent Order in Council made in pursuance of such a resolution.

(2) While this Act extends to Northern Ireland by virtue of any such Order in Council, it shall have effect as if any reference to Great Britain (except when the reference is to the Iron and Steel Corporation of Great Britain) were a reference to the United Kingdom.

(3) In the application of this Act to Northern Ireland by virtue of any such Order in Council, it shall have effect as if for any reference to summary conviction there were substituted a reference to conviction subject to and in accordance with the Petty Sessions (Ireland) Act, 1851, and any Act (including an Act of the Parliament of Northern Ireland) amending that Act.

(4) The provision of production facilities in Northern Ireland the cost of which is to be wholly or substantially defrayed out of moneys provided by the Parliament of Northern Ireland shall not require the consent of the Board under section five of this Act.

(5) Nothing in this section shall restrict the powers of the Parliament of Northern Ireland to make laws with respect to any matter with respect to which that Parliament has power to make
laws, and any laws made by that Parliament with respect to any such matter shall have effect notwithstanding anything in this Act as it applies to Northern Ireland by virtue of any such Order in Council.

33.—(1) This Act may be cited as the Iron and Steel Act, 1952. Short title and repeal.

(2) Section fifteen of the Mineral Workings Act, 1951 (which contains certain provisions relating to the Iron and Steel Corporation of Great Britain), shall cease to have effect as from the appointed day.
Section 1.

FIRST SCHEDULE

TRANSITIONAL PROVISIONS, ETC.

PART I

TRANSITIONAL FUNCTIONS OF THE IRON AND STEEL CORPORATION OF GREAT BRITAIN

1. Section one of the Iron and Steel Act, 1949 (which relates to the constitution of the Iron and Steel Corporation of Great Britain), and the First Schedule to that Act (which contains formal provisions as to the said Corporation), except paragraph 4 of that Schedule (which provides for the appointment of officers and servants), shall continue in force so long as the said Corporation remain in existence:

Provided that any remuneration or allowances payable to members of the said Corporation under the said section one after the appointed day shall be payable by the Agency instead of the said Corporation.

2.—(1) Subsections (1) to (4) of section thirty-eight of the Iron and Steel Act, 1949 (which relate to the accounts of the said Corporation), shall continue in force on and after the appointed-day for the purpose only of securing that—

(a) the requirements of the said subsections are carried out in respect of the last complete financial year before the appointed day, if and so far as they have not been carried out before that day; and

(b) the said requirements are carried out in respect of the period (if any) between the end of the said financial year and the appointed day, which period shall be treated for the purposes of the said section as if it were a complete financial year:

Provided that the provisions of the said section relating to a consolidated statement of accounts dealing with the state of affairs and profit and loss of the said Corporation and the publicly-owned companies as a whole, and the provisions thereof relating to copies of the accounts of the publicly-owned companies, shall not continue in force after the appointed day.

(2) The Agency shall make available to the said Corporation such facilities, and the services of such persons, as the said Corporation and their auditors may reasonably require for performing their duties under the said section thirty-eight on and after the appointed day, and the remuneration of the auditors shall be paid by the Agency.

3. It shall be the duty of the said Corporation to give to the Minister and the Treasury all such information, to prepare all such statements and records and to do all such other things as appear to the Minister or the Treasury necessary or expedient for facilitating the carrying into effect of the transfer provided for by section one of this Act and for facilitating the exercise and performance thereafter by the Agency of their functions under this Act.
4. As from the appointed day, it shall be the duty of all persons who, at any time, have been officers of the said Corporation to furnish to the Minister, the Treasury or the Agency all such information as appears to the Minister or the Treasury to be necessary or expedient for the purposes mentioned in paragraph 3 of this Schedule.

PART II
OTHER PROVISIONS

5. The Agency shall, in respect of the securities of any company which are transferred to them by section one of this Act, be entitled or subject, as from the appointed day, to the exclusion of the previous holders thereof, to all the rights, privileges and advantages, and all the liabilities and obligations, arising from the holding of those securities, in all respects as if the securities had been duly transferred to the Agency in accordance with the enactments and rules of law (other than this Act) applicable thereto, and everything necessary to make those rights, privileges, advantages, liabilities and obligations fully effective had been duly done; and, without prejudice to the preceding provisions of this paragraph, all persons concerned with the keeping of the register of the holders of any such securities shall forthwith register the Agency in that register.

6. Every agreement, whether in writing or not, including any agreement for the performance of personal services, to which the said Corporation were a party immediately before the appointed day, shall have effect as from the appointed day as if the Agency had been a party to the agreement and for any reference to the said Corporation there were substituted, as respects anything falling to be done on or after the appointed day, a reference to the Agency; and any other agreement (whether in writing or not) or document referring to the said Corporation shall be construed in accordance with the preceding provision so far as applicable.

7.—(1) The liabilities and obligations transferred to the Agency by section one of this Act include any liability or contingent liability of the said Corporation under section forty-nine of the Iron and Steel Act, 1949, in respect of any cause of action arising before the appointed day, but, save as aforesaid, nothing in this Act shall be construed as applying the said section forty-nine to the Agency.

(2) A cause of action against a company arising under a contract made by that company shall be deemed for the purposes of this paragraph to have arisen when the contract was made.

(3) The Agency shall have the same right of indemnity against the company in question in respect of any liability incurred by the Agency under this paragraph as the Agency would have if that liability had been a liability under a guarantee entered into by the Agency at the request of that company.

8. Any legal proceedings pending immediately before the appointed day by or against the said Corporation (including arbitrations under the Iron and Steel Act, 1949) shall be continued on and after that day
A.D. 1952
1ST SCH.
— cont.

with the substitution of the Agency for the said Corporation as a party to the proceedings.

9. Section thirteen of the Iron and Steel Act, 1949 (which relates to the disclaimer of agreements and leases), shall continue in force on and after the appointed day in relation to any agreement or lease with respect to which a notice of disclaimer has been given under that section before that day and has not been revoked or become final.

[10. Section fourteen of the Iron and Steel Act, 1949 (which relates to the effect of that Act on certain loan and other agreements), shall so far as it is in force immediately before the appointed day, continue in force on and after that day, and any liability of the Corporation in respect of a claim for compensation under subsection (4) of that section shall become the liability of the Agency as from that day.]

11. Nothing in this Act shall be taken to determine the appointment of a stockholders’ representative appointed under section seventeen of the Iron and Steel Act, 1949, and, in relation to such a representative holding office at the appointed day and to meetings of the holders of securities whose interests are represented by him and matters incidental thereto, the said section seventeen and the Fifth Schedule to the said Act of 1949 shall continue to apply on and after the appointed day, with the substitution (in the said section seventeen) for the reference to the said Corporation of a reference to the Agency.

12. Section twenty-five of the Iron and Steel Act, 1949 (which relates to the dissipation of assets), shall, in relation to any application thereunder pending immediately before the appointed day, continue in force on and after that day subject to the modifications that the first reference in subsection (3) to the Corporation shall be construed as including a reference to the Agency and for the subsequent reference in that subsection and the reference in subsection (5) to the Corporation there shall be substituted a reference to the Agency.

13. The provisions of the Iron and Steel Act, 1949, relating to the Iron and Steel Arbitration Tribunal shall, in relation to any arbitration or right of arbitration pending or existing immediately before the appointed day under section thirteen, fourteen or twenty-five of the said Act, continue in force on and after that day with the substitution for any reference to the said Corporation of a reference to the Agency.

14.—(1) Any certificate issued or other thing done before the appointed day under or for the purposes of the Seventh Schedule to the Iron and Steel Act, 1949 (which contains provisions as to the issue, redemption, management and transfer of British Iron and Steel Stock), shall continue to have effect on and after that day in relation to Treasury Stock (as hereinafter defined), and shall be deemed to have been issued or done under or for the purposes of the corresponding enactment, regulation or rule relating to Treasury Stock.

(2) Paragraphs 23, 24 and 25 of the said Seventh Schedule (which contain transitional provisions) shall continue to have effect on and after the appointed day in relation to Treasury Stock, subject to the following modifications:—

(a) the phrase “the stock” shall be construed as meaning “the Treasury Stock” and references to a stock certificate or the 50
stock certificate shall, in relation to Treasury Stock, be construed as references to the appropriate certificate of title issued under regulations applicable to Treasury Stock;

(b) references to the said Corporation shall be construed as references to the Bank of England;

(c) any provision specifically applying other provisions of the said Schedule shall be construed as applying, subject to necessary adaptations, corresponding provisions of enactments, regulations or rules applicable to Treasury Stock.

(b) In this paragraph “Treasury Stock” means Three and a half per cent. Treasury Stock, 1979-1981.

(4) Any sums standing to the credit of, and any investments representing, any redemption fund account within the meaning of the Seventh Schedule to the Iron and Steel Act, 1949, existing immediately before the appointed day shall, instead of being transferred by section one of this Act to the Agency, vest by virtue of this Act, on the appointed day, in the Treasury or such nominees as the Treasury may appoint, and paragraph 5 of this Schedule shall apply, in relation to the transfer of any securities by this sub-paragraph to the Treasury or their nominees, as it applies to the transfer of securities of a company to the Agency by section one of this Act; and the said sums and any sums accruing in respect of the realisation or income of the said investments shall be paid into the Account established under section twenty of this Act, except that any Government securities may be cancelled.

15.—(1) Section fifty of the Iron and Steel Act, 1949, and the Ninth Schedule to that Act (which relate to the constitution and proceedings of publicly-owned companies) shall continue in force on and after the appointed day with the substitution for references to the Corporation of references to the Agency and subject to the modifications hereinafter specified.

(2) In the said section fifty and the said Ninth Schedule as continued by this paragraph, and in the following provisions of this paragraph, the expressions “publicly-owned company” and “public ownership” have the meanings assigned to them by section fifty-nine of the Iron and Steel Act, 1949, with the substitution for references to the Corporation of references to the Agency.

(3) Any notice given or other thing done by the Corporation before the appointed day in relation to a company which on that day is publicly-owned shall, if in force immediately before that day, continue to have effect and be deemed to have been given or done by the Agency.

(4) Paragraph 1 of the said Ninth Schedule (which provides that publicly-owned companies shall not be deemed to be private companies, although they satisfy the necessary conditions) shall not apply to any company formed by the Agency.

(5) If a publicly-owned company exercises its right under paragraph 8 of the said Ninth Schedule to reduce its share capital by ordinary resolution and without confirmation by the court, the Agency or the company shall, within fourteen days after the date of the publication
A.D. 1952

I, of the notice of the registration of the resolution under sub-paragraph (b) of the said paragraph 8, serve a notice on every person who at that date was a creditor of the company setting out the effect of the resolution and the creditor’s rights under this paragraph, and if any such creditor, within twenty-eight days after that date, serves a notice on the Agency or the company, as the case may be, stating that he requires any debt specified in the notice, being a debt due to him from the company at the said date, to be guaranteed by the Agency, the Agency shall be under the like liability, and have the like rights, in relation to the creditor and the company, as if the Agency had guaranteed the payment of that debt by the company.

(5) If a notice required to be served on the creditor of a publicly-owned company under the last preceding sub-paragraph is not so served, the Agency shall be under the like liability, and have the like rights, in relation to the creditor and the company, as if the Agency had guaranteed the payment by the company of all debts due to the creditor from the company at the date referred to in the last preceding sub-paragraph.

(6) Any notice under this paragraph may be served by registered post.

16. Nothing in this Schedule shall be construed as continuing any rights in respect of the office of the chairman or any member of the said Corporation after the said Corporation cease to exist, but the Minister may with the approval of the Treasury direct the Agency to make to any person holding office as a member of the said Corporation immediately before the said Corporation cease to exist such payment by way of compensation for loss of office as the Minister may with the approval of the Treasury determine.

17. Nothing in this Schedule shall be construed as continuing the office, or any rights in respect of the office, of the chairman or any of the members of the Iron and Steel Consumers’ Council constituted under section six of the Iron and Steel Act, 1949.

18. The provisions of this Schedule shall be without prejudice to the operation of subsection (2) of section thirty-eight of the Interpretation Act, 1889, relating to the effect of repeals.

SECOND SCHEDULE

Sections 2 and 16. PROVISIONS AS TO IRON AND STEEL BOARD AND IRON AND STEEL HOLDING AND REALISATION AGENCY

1. The Board and the Agency shall each be a body corporate with perpetual succession and a common seal and power to hold land without licence in mortmain.

2. The Board and the Agency may each act notwithstanding a vacancy among their respective members.

3.—(1) The quorum of the Board shall be five or such number, not being less than five, as the Board may from time to time determine.

(2) The quorum of the Agency shall be three or such number, not being less than three, as the Agency may from time to time determine.
4. The Board and the Agency shall have power to do any thing or enter into any transaction for the purpose of exercising and performing their functions under this Act.

5.—(1) A member of the Board or the Agency who is in any way directly or indirectly interested in a contract made or proposed to be made by the Board or the Agency, as the case may be, shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest at a meeting of the Board or the Agency, as the case may be.

(2) Any such disclosure shall be recorded in the minutes of the Board or the Agency, as the case may be, and the member—

(a) shall not take part after the disclosure in any deliberation or decision of the Board or the Agency with respect to that contract; and

(b) shall be disregarded for the purpose of constituting a quorum of the Board or the Agency for any such deliberation or decision.

6. Subject to the preceding provisions of this Schedule, the Board and the Agency may each regulate their own procedure.

7. The Board and the Agency shall each appoint a secretary and may each appoint such other officers and such servants as they may determine.

8. Where any officer or servant of the Board, being a participant in any pension scheme applicable to his office or employment, becomes a member of the Board, he may be treated for the purposes of the pension scheme as if his service as a member of the Board were service as an officer or servant of the Board, and his rights under the scheme shall not be affected by any provision of this Act which requires that the pensions, if any, which are to be paid in the case of members of the Board are to be determined by the Minister with the approval of the Treasury.

9.—(1) The application of the seal of the Board shall be authenticated by the signatures of the chairman or some other member of the Board authorised by the Board to authenticate the application of the seal thereof, and of the secretary of the Board or some person authorised by the Board to act in his stead in that behalf.

(2) The application of the seal of the Agency shall be authenticated by the signatures of the chairman or some other member of the Agency authorised by the Agency to authenticate the application of the seal thereof, and of the secretary of the Agency or some person authorised by the Agency to act in his stead in that behalf.

10. Every document purporting to be an instrument issued by the Board or by the Agency and to be sealed as aforesaid or to be signed on behalf of the Board or the Agency, as the case may be, shall be received in evidence and shall be deemed to be such an instrument without further proof unless the contrary is shown.
THIRD SCHEDULE
IRON AND STEEL ACTIVITIES

1. The quarrying or mining of iron ore or the treatment or preparation of iron ore for smelting.
2. The smelting of iron ore in a blast furnace with or without other metalliferous materials, or the production of iron by any other process.
3. The production of steel by any process.
4. The casting of iron or steel by any process.
5. The processing, with or without heat, of iron or steel by rolling or forging (other than drop forging, smiths' hand forging and the forging of bolts and rivets).
6. The production from iron or steel of hot-finished tubes or pipes or bright bars.
7. The production of tinplate or terneplate.