



Supply Powers Act 1975

CHAPTER 9

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Supply Powers Act 1975

1975 CHAPTER 9

An Act to consolidate the outstanding provisions of the Ministry of Supply Act 1939 and enactments and instruments amending those provisions, with amendments to give effect to recommendations of the Law Commission and the Scottish Law Commission.

[13th March 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) The Secretary of State shall have power to acquire, produce or process articles required for the public service or articles to be exchanged for such articles; to sell, exchange or otherwise dispose of any such articles or any government surplus materials; to store and transport any such articles and materials; and to do all such things (including the erection of buildings and the execution of works) as appear to the Secretary of State necessary or expedient for the exercise of the foregoing powers.

General powers of Secretary of State.

(2) Without prejudice to his powers of inspection under subsection (1) above, the Secretary of State may, at the request of the parties concerned, carry out or supervise the carrying out of any inspection for the purposes of or in connection with the production of any articles where the inspection can conveniently be carried out or supervised by him in connection with the exercise of his functions.

2.—(1) Her Majesty may by Order in Council apply in relation to the Secretary of State, with any necessary modifications or adaptations, any of the provisions of the enactments specified in Part I of Schedule 1 to this Act, so as to confer on the Secretary of State any powers, rights and privileges in relation to

Application to Secretary of State of Defence Acts and other enactments.

the acquisition and holding of land for the purpose of discharging any of his functions under this Act, and in relation to the management, use and disposal in any manner of land acquired for that purpose, which under those enactments are vested in the Secretary of State for Defence for any purpose.

(2) Her Majesty may by Order in Council apply in relation to the Secretary of State acting in the discharge of any of his functions under this Act or to property for the time being vested in or under the control of the Secretary of State for the purpose of discharging any of those functions, with any necessary modifications or adaptations, any of the provisions of the enactments specified in Part II of Schedule 1 to this Act.

(3) Any Order in Council made under this section may be varied or revoked by a subsequent Order in Council.

(4) Subject to subsection (5) below, no recommendation shall be made to Her Majesty to make an Order in Council under this section unless a draft of the Order has been laid before Parliament and has been approved by resolution of each House of Parliament.

(5) If at any time when Parliament is dissolved or prorogued or when both Houses of Parliament are adjourned for more than 14 days, it is shown to the satisfaction of the Secretary of State that the making of an Order in Council under this section is urgently necessary, a draft of the Order need not be laid before Parliament, but the Order shall, except as respects things previously done or omitted to be done, cease to have effect at the expiration of the period of 28 days beginning with the date on which the House of Commons first sits after the making of the Order unless within that period resolutions approving the Order are passed by both Houses of Parliament.

(6) References in this section to the Secretary of State do not include the Secretary of State for Defence.

Payments by Secretary of State for creation of reserves.

3. The Secretary of State may, in accordance with arrangements approved by the Treasury, make payments by way of grant or loan—

- (a) to any person producing, dealing in or having control of any article required for the public service, for the purpose of inducing the augmentation of stocks of that article or of any other article which can conveniently be used for or in connection with the production of that article, or the improvement of the facilities available for the storage of any stocks of that article or any such other article which may from time to time be held by him ; or

- (b) to any person carrying on the business of storing goods, for the purpose of inducing the improvement of the facilities available for the storage of any articles required for the public service.

4.—(1) The Secretary of State may by notice in writing require any person producing, dealing in, or having control of any article required for the public service, to make periodical and other returns, at such times, and containing such particulars as may be specified in the notice, as to—

Power of Secretary of State to require returns of stocks, etc.

- (a) the stocks of that article for the time being held by him and the quantities of any such article which by virtue of any contract are to be delivered by or to him and the date of delivery thereof; and
- (b) the facilities available for producing that article or storing stocks thereof.

(2) The Secretary of State may by notice in writing require any person carrying out works required for the public service, or carrying on a business which in the opinion of the Secretary of State is suitable for or can be adapted to carrying out works so required, to make periodical and other returns, at such times and containing such particulars as may be specified in the notice, as to the facilities available for carrying out such works.

(3) The Secretary of State may by notice in writing require any person who has under his control accommodation suitable for the storage of any articles required for the public service to make periodical and other returns, at such times and containing such particulars as may be specified in the notice, as to—

- (a) the nature and extent of that accommodation;
- (b) the period for which any part of that accommodation is already required and the purpose for which it is required; and
- (c) the facilities available for making use of the accommodation.

(4) Where a government department or any body of persons has, by virtue of any Act, power to obtain for any purpose information as to matters with respect to which the Secretary of State is empowered by subsections (1) to (3) above to require returns to be made—

- (a) that department or body shall, if so required by the Secretary of State, exercise that power for the purpose of assisting the Secretary of State in obtaining any such information; and

- (b) any such information obtained by that department or body, whether upon a requisition of the Secretary of State or otherwise, may, notwithstanding anything in any enactment, be furnished to the Secretary of State.

Disclosure of information.

5.—(1) Subject to subsection (2) below, no information with respect to an individual business which has been obtained under or by virtue of this Act shall be disclosed without the consent of the person carrying on that business.

(2) Subsection (1) above shall not apply to the disclosure of any information—

- (a) to a government department, or any person authorised by a government department, requiring that information for the purpose of the discharge of the functions of that department ; or
- (b) for the purposes of any prosecution for an offence under section 6 below.

Offences and penalties.

6.—(1) If any person knowingly or recklessly makes any untrue statement or untrue representation for the purpose of obtaining a payment under section 3 above, either for himself or for any other person, or discloses any information in contravention of section 5 above, he shall be guilty of an offence and liable—

- (a) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding £100, or to both ; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding £500, or to both.

(2) If any person—

- (a) fails to make any return which he is required to make under section 4 above ; or
- (b) knowingly or recklessly makes any untrue statement in any such return,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100, and, if he is convicted in respect of a failure to make a return and the failure continues after the conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding £50 for each day on which the failure continues.

(3) Where any offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

7. In this Act—

Interpretation.

“ articles ” includes substances ;

“ articles required for the public service ” means—

(a) articles required for the purpose of the discharge of its functions by any government department, the United Kingdom Atomic Energy Authority, the Civil Aviation Authority, or any Research Council within the meaning of the Science and Technology Act 1965 c. 4.

(b) articles required for the defence of any part of the Commonwealth, including any territory under Her Majesty's protection or in which She has jurisdiction, or for the maintenance or restoration of peace and security in any part of the world or for any measures arising out of a breach or apprehended breach of peace in any part of the world ;

(c) articles required by any international organisation of which the United Kingdom is a member or (where the relevant international agreement so provides) by any other member of such an organisation ;

(d) articles which in the opinion of the Secretary of State would be essential for the needs of the community in the event of war ;

(e) articles for supply to a person carrying on an undertaking which includes the production of articles of that or any other description where that person requests the Secretary of State to supply those articles and the Secretary of State is satisfied that the supply will serve the interests of the community ;

(f) anything which, in the opinion of the Secretary of State, is or is likely to be necessary for or in connection with the production of any such articles as are mentioned in paragraphs (a) to (e) above, and “ works required for the public service ” shall be construed accordingly ;

“ government department ” includes a Northern Ireland department ;

“ government surplus materials ” means surplus articles of any government department, and surplus articles of the government of any country outside the United Kingdom to be disposed of by Her Majesty's Government in the United Kingdom in pursuance of an agreement between those governments.

Repeals,
revocations,
consequential
amendments
and savings.

8.—(1) The enactments specified in Part I of Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Part; and the Orders in Council specified in Part II of that Schedule are hereby revoked to the extent specified in the third column of that Part.

1946 c. 80.
1939 c. 38.

(2) In section 2(2) of the Atomic Energy Act 1946, for the references to section 2(2) and (3) of the Ministry of Supply Act 1939 there shall be substituted references to section 2(1) and (2) above.

(3) Any other enactment, instrument or document referring to any of the enactments repealed by this Act (in this section referred to as "the repealed enactments") shall, so far as may be necessary for preserving its effect, be construed as referring, or as including a reference, to this Act or to the corresponding provision of this Act.

(4) In so far as anything done under any of the repealed enactments could have been done under a corresponding provision of this Act, it shall not be invalidated by the repeal but shall have effect as if done under that corresponding provision.

(5) Nothing in this section shall affect the repealed enactments in their operation in relation to offences committed before the commencement of this Act; and where an offence, for the continuance of which a penalty was provided, has been committed under any of the repealed enactments, proceedings may be taken under this Act in respect of the continuance of the offence after the commencement of this Act, in the same manner as if the offence had been committed under the corresponding provision of this Act.

S.I. 1967/155.

(6) Nothing in this section shall affect the operation of section 15 of the Ministry of Supply Act 1939 in relation to instruments made before the coming into operation of the Ministry of Aviation (Dissolution) Order 1967.

S.R.&O. 1939/
877.

(7) Nothing in this section shall affect the operation of articles 5 and 6 of the Ministry of Supply (Transfer of Powers) (No. 1) Order 1939 in relation to any functions of the Secretary of State under the Atomic Energy Act 1946 or any property vested in or under the control of the Secretary of State by virtue of that Act.

1889 c. 63.

(8) Nothing in this section shall prejudice the operation of section 38 of the Interpretation Act 1889 (effect of repeals).

Short title,
commence-
ment and
extent.

9.—(1) This Act may be cited as the Supply Powers Act 1975.

(2) This Act shall come into force at the expiration of the period of one month beginning with the day on which it is passed.

(3) This Act extends to Northern Ireland.

SCHEDULES

SCHEDULE 1

Section 2.

ENACTMENTS APPLICABLE TO THE SECRETARY OF STATE

PART I

ENACTMENTS RELATING TO LAND

The Defence Acts 1842 to 1873.

The Ordnance Board Transfer Act 1855. 1855 c. 117.

Section 7 of the Lands Clauses Consolidation Acts Amendment Act 1860 c. 106.
1860.

Section 7 of the Militia (Lands and Buildings) Act 1873. 1873 c. 68.

Section 254 of the Municipal Corporations Act 1882. 1882 c. 50.

Part II of the Military Lands Act 1892. 1892 c. 43.

PART II

MISCELLANEOUS ENACTMENTS

Section 28 of the Harbours, Docks and Piers Clauses Act 1847. 1847 c. 27.

The Military Tramways Act 1887. 1887 c. 65.

SCHEDULE 2

Section 8.

REPEALS AND REVOCATIONS

PART I

ENACTMENTS REPEALED

Chapter	Short title	Extent of Repeal
2 & 3 Geo. 6. c. 38.	The Ministry of Supply Act 1939.	The whole Act.
6 & 7 Eliz. 2. c. 51.	The Public Records Act 1958.	In Schedule 2, the entry relating to section 17 of the Ministry of Supply Act 1939.
1968 c. 32.	The Industrial Expansion Act 1968.	Section 13 and Schedule 3.
1971 c. 75.	The Civil Aviation Act 1971.	In Schedule 10, paragraph 1.

SCH. 2

PART II

ORDERS REVOKED

Number	Title	Extent of Revocation
1939 No. 877.	The Ministry of Supply (Transfer of Powers) (No. 1) Order 1939.	The whole Order.
1946 No. 378.	The Transfer of Functions (Various Commodities) Order 1946.	The whole Order.
1947 No. 984.	The Transfer of Functions (Home-Grown Raw Wool) Order 1947.	The whole Order.
1947 No. 2472.	The Transfer of Functions (Medical Supplies) Order 1947.	The whole Order.
1949 No. 355.	The Transfer of Functions (Ethyl Chloride and Kitchen Waste) Order 1949.	The whole Order.
1950 No. 509.	The Transfer of Functions (Kitchen Waste) Order 1950.	The whole Order.
1951 No. 1242.	The Transfer of Functions (Various Materials) Order 1951.	The whole Order.
1954 No. 1028.	The Transfer of Functions (Ministry of Materials) Order 1954.	Article 2(2)(a).
1969 No. 1498.	The Minister of Technology Order 1969.	In Schedule 1, paragraph 1(g).
1970 No. 1537.	The Secretary of State for Trade and Industry Order 1970.	In Schedule 1, paragraphs 1 and 7(c).
1971 No. 719.	The Ministry of Aviation Supply (Dissolution) Order 1971.	In the Schedule, paragraph 1(1).

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