



Aircraft and Shipbuilding Industries Act 1977

1977 CHAPTER 3

PART III

MISCELLANEOUS AND GENERAL

General

54 Service of notices

- (1) This section shall have effect in relation to any notice or other document required or authorised by or under this Act to be given to or served on any person.
- (2) Any such document may be given to or served on the person in question—
 - (a) by delivering it to him, or
 - (b) by leaving it at his proper address, or
 - (c) except in the case of a notice to which paragraph (d) below applies, by sending it by post to him at that address, or
 - (d) in the case of any such notice as is referred to in section 21, 26, 27, 29 or 31 above, by sending it in a prepaid registered letter addressed to him at that address.
- (3) Any such document may—
 - (a) in the case of a body corporate, be given to or served on the secretary or clerk of that body ;
 - (b) in the case of a partnership, be given to or served on a partner or a person having the control or management of the partnership business.
- (4) For the purposes of this section and section 26 of the Interpretation Act 1889 (service of documents by post) in its application to this section, the proper address of any person to or on whom a document is to be given or served shall be his last known address, except that—

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- (a) in the case of a body corporate or their secretary or clerk, it shall be the address of the registered or principal office of that body ;
- (b) in the case of a partnership or a person having the control or management of the partnership business, it shall be that of the principal office of the partnership;

and for the purposes of this subsection the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom shall be their principal office within the United Kingdom.

- (5) If the person to be given or served with any document mentioned in subsection (1) above has specified an address within the United Kingdom other than his proper address within the meaning of subsection (4) above as the one at which he or someone on his behalf will accept documents of the same description as that document, that address shall also be treated for the purposes of this section and section 26 of the Interpretation Act 1889 as his proper address.
- (6) If the name or address of any person having an interest in premises to or on whom any document mentioned in subsection (1) above is to be given or served cannot after reasonable enquiry be ascertained, the document may be given or served—
 - (a) by addressing it to him either by name or by the description of “the owner” or, as the case may be, “the occupier ” of the premises and describing them, and
 - (b) either by delivering it to some responsible person on the premises or by affixing it, or a copy of it, to some conspicuous part of the premises.

55 Administrative expenses

Any administrative expenses incurred by the Secretary of State in connection with the provisions of this Act shall be defrayed out of moneys provided by Parliament.

56 Interpretation

- (1) In this Act, except where the context otherwise requires,—
 - “accounting year ” shall be construed in accordance with section 17 of this Act;
 - “acquired company ” means—
 - (a) a company falling within Part I of Schedule 1 or Schedule 2 to this Act, or
 - (b) a company in respect of which the obligation to give notice under section 26(9) above has arisen, other than an excluded company ;
 - “aircraft industry vesting date ” means such date as the Secretary of State may by order made by statutory instrument specify for the purposes of section 19(1) of this Act;
 - “associated person ”, in relation to a company or its wholly owned subsidiary, means—
 - (a) a person who controls the company, or
 - (b) a body corporate controlled by a person who also controls the company ;
 - “the Corporations ” means British Aerospace and British Shipbuilders, and references to a Corporation shall be construed accordingly;
 - “date of transfer ” shall be construed in accordance with subsection (5) below;

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“enactment ” includes an enactment of the Parliament of Northern Ireland and a Measure of the Northern Ireland Assembly;

“equity share capital ” has the meaning assigned to it by section 154 of the Companies Act 1948 or, in the case of a company incorporated in Northern Ireland, section 148(5) of the Companies Act (Northern Ireland) 1960;

“excluded company ” has the meaning assigned to it by section 27(11) above;

“functions ” includes powers and duties ;

“group of companies ” means a company and all other companies which are its subsidiaries ;

“guided weapon ” does not include a torpedo ;

“holding company ” shall be construed in accordance with section 154 of the Companies Act 1948 ;

“industrial or intellectual property ” includes, without prejudice to its generality, patents, designs, trade marks, know-how and copyrights;

“initial date ” means—

(a) in relation to British Aerospace or a company which becomes, or would but for the provisions of section 27 of this Act become, a wholly owned subsidiary of British Aerospace, 4th November 1974, and,

(b) in relation to British Shipbuilders or a company which becomes, or would but for the provisions of section 27 of this Act become, a wholly owned subsidiary of British Shipbuilders, 31st July 1974 ;

“know-how ” means any industrial information and techniques likely to assist in the manufacture or processing of goods or material or the repair of goods;

“lease ” includes an agreement for a lease and any tenancy agreement;

“loan capital ”, in relation to any company, means the securities of the company which do not form part of the share capital;

“mortgage” in relation to Scotland, means a heritable security within the meaning of section 9(8) of the Conveyancing and Feudal Reform (Scotland) Act 1970 ;

“notice of acquisition ” has the meaning assigned to it by section 26(1) above;

“notice of disclaimer ” has the meaning assigned to it by section 31(6) above;

“operate ”, in relation to any works, means to be actively engaged, whether alone or with others, in the management of the works, but a person shall not be deemed to operate works by reason only that he exercises an indirect control of their management by means of the holding of shares in the operating company or otherwise ;

“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 and a return of contributions or insurance premiums to a pension fund with or without interest or any other addition;

“pension rights ” includes all forms of right to or eligibility for, the present or future payment of a pension to or in respect of a person, and any expectation of the accruer of a pension to or in respect of a person under any customary practice, and also includes a right of allocation in respect of the present or future payment of a pension;

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“pension scheme ” includes any form of arrangements for the payment of pensions, whether subsisting by virtue of an Act, trust, contract or otherwise, and also includes any customary practice under which pensions are paid ;

“public dividend capital ” and “public dividends ” have the meaning assigned to them by section 16 of this Act;

“the relevant Corporation ”, in relation to a company which comes into public ownership, or in relation to any securities of such a company, means the Corporation in which vest, on the date of transfer, the securities of that company or of the company of which it is a wholly owned subsidiary ;

“the relevant days ” means 27th December 1973 and every Wednesday, other than 26th December 1973, in the period of 6 months beginning on 1st September 1973 ;

“relevant trade union ”, in relation to either Corporation, means any independent trade union, as defined in section 30(1) of the Trade Union and Labour Relations Act 1974, which the Corporation or any of its wholly owned subsidiaries recognises for the purposes of collective bargaining, as defined by section 126(1) of the Employment Protection Act 1975, or as to which the Advisory Conciliation and Arbitration Service has made a recommendation for such recognition under the said Act of 1975 which is operative within the meaning of section 15 of that Act;

“the relevant vesting date ” means—

- (a) in relation to British Aerospace or a company which becomes, or would but for the provisions of section 27 of this Act become, a wholly owned subsidiary of British Aerospace, the aircraft industry vesting date, and
- (b) in relation to British Shipbuilders or a company which becomes, or would but for the provisions of section 27 of this Act become, a wholly owned subsidiary of British Shipbuilders, the shipbuilding industry vesting date;

“safeguarding date ” means—

- (a) in relation to a company on which the Secretary of State serves a notice of acquisition, the date of service of the notice, and
- (b) in relation to any other company, 17th March 1975;

“Schedule 4 notice ” has the meaning assigned to it by section 29(1) above;

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

“share ” includes stock resulting from the conversion of any share into stock;

“shipbuilding industry vesting date ” means such date as the Secretary of State may by order made by statutory instrument specify for the purposes of section 19(2) of this Act;

“shipyard ” includes any berth, dock or slipway used for the construction of ships ;

“ stockholders' representative ” means, in relation to a company or the securities of a company, the individual appointed under section 41 of this Act to represent the holders of securities of that company ;

“subsidiary ” has the same meaning as in the Companies Act 1948;

“voting power ” does not include voting rights which arise only in limited circumstances ;

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“wholly owned subsidiary” has the same meaning as it has for the purposes of section 150 of the Companies Act 1948 and section 144 of the Companies Act (Northern Ireland) 1960 ; and

“works ” means, subject to subsection (6) below,—

- (a) any factory, within the meaning of the Factories Act 1961,
- (b) any aerodrome, as defined in section 64(1) of the Civil Aviation Act 1971,
- (c) any shipyard which does not fall within paragraph (a) above, and
- (d) any premises used by way of trade or business for the purposes of the storage, transport or distribution of any articles or for the supply of electricity or other form of power,

together with any machinery or equipment installed in any such factory, shipyard or premises and any land occupied for the purposes referred to in paragraph (d) above.

(2) For the purposes of this Act, in relation to land in England, Wales or Northern Ireland,

- (a) “own ” includes hold on lease ;
- (b) “rights of ownership ” means an estate in fee simple or a lease; and
- (c) property owned by a member of a partnership and held by him for the purposes of the partnership shall be deemed to be owned by each of the members of the partnership.

(3) For the purposes of this Act, in relation to land in Scotland,—

- (a) “own ” includes hold on lease ;
- (b) “rights of ownership ” means—
 - (i) if the land is feudal property, the estate or interest of the proprietor of the dominium utile, or
 - (ii) if the land is not feudal property, the estate or interest of the owner, or
 - (iii) a lease ; and
- (c) property owned by a member of a partnership and held by him for the purposes of the partnership shall be deemed to be owned by the firm.

(4) Any reference in this Act to a company which comes into public ownership is a reference to an acquired company or a company which, on the date of transfer of an acquired company, is a wholly owned subsidiary of that company ; and any reference to a company coming into public ownership shall be construed accordingly.

(5) Subject to section 27(7)(b) of this Act, in relation to a company which comes into public ownership, any reference in this Act to the date of transfer is a reference—

- (a) in the case of a company falling within Part I of Schedule 1 or Schedule 2 to this Act or the wholly owned subsidiary of such a company, to the relevant vesting date; and
- (b) in the case of any other company which comes into public ownership, to the date on which the securities of the company or, as the case may be, of the company of which it is a wholly owned subsidiary vest in a Corporation by virtue of section 26 above.

(6) For the purposes of this Act—

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- (a) notwithstanding anything in subsection (1) above, the expression “works” does not include any factory, aerodrome, shipyard or other premises or land situated outside the United Kingdom ;
 - (b) 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; and
 - (c) in determining whether a company is operating any works at a particular time, any temporary closing of the works at that time owing to holidays, repairs or for any other reason shall be disregarded.
- (7) For the purposes of this Act the securities of a company to which the same rights attach shall be deemed to constitute a class of securities, and the date of issue of any securities shall be deemed to be the date on which a resolution allotting those securities is passed.
- (8) For the purposes of this Act a person controls a company or other body corporate if he is entitled to exercise or to control the exercise of at least one third of the voting power at any general meeting of that body corporate.

57 Short title and extent

- (1) This Act may be cited as the Aircraft and Shipbuilding Industries Act 1977.
- (2) This Act extends to Northern Ireland.