



Industry Act 1980

1980 CHAPTER 33

The National Enterprise Board and the Scottish and Welsh Development Agencies

1 Functions of the Board and Agencies.

^{F1}(1) ^{M1}

(2) ^{F2}

(3) In section 1 of the ^{M2}Welsh Development Agency Act 1975—

- (a) in subsection (2), in paragraph (a), at the end there shall be added the words “,and in that connection to provide, maintain or safeguard employment”;
- (b) in subsection (3), after paragraph (i) there shall be added—
 - “(j) to promote the private ownership of interests in industrial undertakings by the disposal of securities and other property held by the Agency or any of their subsidiaries”;
- (c) subsection (2)(c), in subsection (3)(d) the word “reorganisation”, and subsection (3)(e) shall cease to have effect; and
- (d) in subsection (11) the words from “in connection” to “above” shall cease to have effect.

Textual Amendments

F1 S. 1(1) repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2 Pt. I](#); [S.I. 1991/2721](#), [art.2](#)

F2 Ss. 1(2), 4(2) repealed (1.4.1991) by [Enterprise and New Towns \(Scotland\) Act 1990 \(c. 35, SIF 64\)](#), s. 38(2), [Sch. 5 Pt. I](#)

Modifications etc. (not altering text)

C1 The text of ss. 1, 4, 5(1), 6, 8(2), 9, and Schedule 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals prior to 1.2.1991.

Changes to legislation: There are currently no known outstanding effects for the Industry Act 1980, Cross Heading: The National Enterprise Board and the Scottish and Welsh Development Agencies. (See end of Document for details)

Marginal Citations

- M1** 1975 c. 69.
M2 1975 c. 70.

F³2 Transfer of property to Secretary of State.

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Textual Amendments

- F3** S. 2 omitted (1.4.2006) by virtue of [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), art. 1(2)**Sch. 2 para. 8(1)** (with art. 3(1))

Modifications etc. (not altering text)

- C2** S. 2: transfer of functions by [S.I. 1999/672](#), art. 2, **Sch. 1**

F⁴2A Stamp duty land tax

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Textual Amendments

- F4** S. 2A omitted (1.4.2006) by virtue of [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), art. 1(2)**Sch. 2 para. 8(2)** (with art. 3(1))

3 Finance for companies transferred to Secretary of State.

- (1) This section applies to a company if the National Enterprise Board has at any time transferred to the Secretary of State a controlling interest in the company and the Secretary of State has not since that time ceased to hold such an interest in it.
- (2) Subject to subsection (3) below and section 5 of this Act, the Secretary of State may with the approval of the Treasury—
 - (a) acquire securities of a company to which this section applies,
 - (b) make loans to such a company on such conditions and at such rates of interest as he may with that approval determine, and
 - (c) guarantee obligations (arising out of loans or otherwise) incurred by such a company.
- (3) The Secretary of State shall not determine a rate of interest in respect of a loan under subsection (2)(b) above which is lower than the lowest rate for the time being determined by the Treasury under section 5 of the ^{M3}National Loans Act 1968 in respect of comparable loans out of the National Loans Fund.
- (4) Not later than six months after the end of any financial year in which this section has applied to one or more companies the Secretary of State shall prepare and lay before each House of Parliament a report on the exercise during that year of his powers under

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subsection (2) above; and the report shall specify in relation to each company which at the end of that year is a company to which this section applies—

- (a) particulars of the securities of the company held by the Secretary of State at the end of that year,
- (b) the amount then outstanding, otherwise than by way of interest, in respect of any loans to the company made under paragraph (b) of subsection (2) above,
- (c) particulars of guarantees then subsisting which were given under paragraph (c) of that subsection in respect of obligations incurred by the company, and
- (d) any sums paid to meet guarantees so given, to the extent that they have not by then been repaid.

[^{F5}(5) As soon as practicable after a company to which this section applies—

- (a) if it is a private company, has sent to members copies of accounts in accordance with [^{F6}section 423 of the Companies Act 2006], or
- (b) if it is a public company, has laid accounts before the company in general meeting in accordance with [^{F7}section 437 of that Act],

the Secretary of State shall lay before each House of Parliament a copy of those accounts and of any documents annexed or attached to them.]

(6) Any expenditure incurred by the Secretary of State under subsection (2) above may be defrayed out of money provided by Parliament; and any sums received by him by virtue of this section (including sums received on the disposal of securities acquired by virtue of this section) shall be paid into the Consolidated Fund.

(7) In this section and in section 5 of this Act—

[^{F8}“company” means a company as defined in section 1(1) of the Companies Act 2006,]

“controlling interest” means, in relation to a company, shares carrying in the aggregate more than half the voting rights exercisable at general meetings of the company,

“shares” includes stock,

“subsidiary” means a subsidiary as defined by [^{F9}section 1159 of the Companies Act 2006],

and references to the transfer of securities to or the holding or acquisition of securities by the Secretary of State include references to the transfer of securities to or the holding or acquisition of securities by any nominee of his.

Textual Amendments

- F5** S. 3(5) substituted (1.10.2007) by [Companies Act 2006 \(Commencement No.3, Consequential Amendments, Transitional Provisions and Savings\) Order 2007 \(S.I. 2007/2194\)](#) , art. 1(3)(a)**Sch. 4 para. 35** (with art. 12)
- F6** Words in s. 3(5)(a) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#) , art. 2(2)**Sch. 1 para. 49(a)** (with arts. 6 , 11 , 12)
- F7** Words in s. 3(5)(b) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#) , art. 2(2)**Sch. 1 para. 49(b)** (with arts. 6 , 11 , 12)
- F8** Words in s. 3(7) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#) , art. 1(2)**Sch. 1 para. 44(a)** (with art. 10)

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F9 Words in s. 3(7) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#) , art. 1(2)**Sch. 1 para. 44(b)** (with art. 10)

Marginal Citations

M3 [1968 c. 13](#) .

4 Public dividend capital.

^{F10}(1)

(2) ^{F11}

(3) In paragraph 1 of Schedule 3 to the ^{M4}Welsh Development Agency Act 1975, after sub-paragraph (3) there shall be inserted—

“(3A) The Agency may with the agreement of the Secretary of State, and shall if the Secretary of State with the approval of the Treasury requires them to do so, make payments to the Secretary of State in reduction of the public dividend capital of the Agency; and any sums received by the Secretary of State in pursuance of this sub-paragraph shall be paid into the Consolidated Fund.”

Textual Amendments

F10 S. 4(1) repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), **Sch. 2 Pt.1**; [S.I. 1991/2721](#), **art.2**

F11 Ss. 1(2), 4(2) repealed (1.4.1991) by [Enterprise and New Towns \(Scotland\) Act 1990 \(c. 35, SIF 64\)](#), s. 38(2), **Sch. 5 Pt. 1**

Modifications etc. (not altering text)

C3 The text of ss. 1, 4, 5(1), 6, 8(2), 9, and Schedule 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals prior to 1.2.1991.

Marginal Citations

M4 [1975 c. 70](#).

5 Financial limits.

(1) In . . . ^{F12}, section 13(3) of the Scottish Development Agency Act 1975 and section 18(3) of the Welsh Development Agency Act 1975 (which set limits on the amounts outstanding in respect of certain borrowings and other liabilities of . . . ^{F12} the Scottish and Welsh Development Agencies and their subsidiaries, but enable the Secretary of State to raise the limits) the words from “but” to the end shall cease to have effect.

(2) ^{F13}

(3) ^{F14}

(5) ^{F14}

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- (6) Subject to subsection (7) below, the aggregate of—
- (a) any sums paid by the Secretary of State under this Act in respect of the acquisition of shares in any company which before or immediately after the acquisition was a company to which section 3 of this Act applied,
 - (b) the amounts outstanding, otherwise than by way of interest, in respect of the general external borrowing of companies to which that section applies, and
 - (c) any sums paid by the Secretary of State to meet guarantees given under subsection (2)(c) of that section, to the extent that they have not been repaid,
- shall not exceed the amount which is for the time being the financial limit for the purposes of that section.
- (7) The sums paid by the Secretary of State under this Act in respect of the acquisition from the National Enterprise Board of shares in any company shall be treated for the purposes of subsection (6) above as reduced by an amount equal to so much of the debt of the Board assumed under paragraph 6(1) of Schedule 2 to the ^{M5}Industry Act 1975 on their acquisition of securities of the company as was, immediately before section 3 of this Act applied to the company, treated by virtue of paragraph 5(2) of that Schedule as part of the Board's public dividend capital.
- (8) For the purposes of subsection (6)(b) above, the general external borrowing of a company is the aggregate of—
- (a) sums borrowed by the company otherwise than from any subsidiary of the company, and
 - (b) sums borrowed by such a subsidiary otherwise than from the company or another such subsidiary.

Textual Amendments

- F12** Words repealed by [Industry Act 1981 \(c. 6, SIF 64\)](#), [Sch.](#)
- F13** S. 5(2) repealed by [Industry Act 1981 \(c. 6, SIF 64\)](#), s. 7(3), [Sch.](#)
- F14** s. 5(3)(5) repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2 Pt.I](#); [S.I. 1991/2721](#), [art.2](#)

Modifications etc. (not altering text)

- C4** S. 5(1) repealed (1.4.1991) (E.W.S) in so far as relating to the Scottish Development Agency Act 1975 or to the Scottish Development Agency, by [Enterprise and New Towns \(Scotland\) Act 1990 \(c. 35, SIF 64\)](#), s. 38(2), [Sch. 5 Pt. I](#)
- C5** The text of ss. 1, 4, 5(1), 6, 8(2), 9, and Schedule 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals prior to 1.2.1991.

Marginal Citations

- M5** [1975 c. 68](#).

6 Restrictions on powers to acquire shares

^{F15}(1)

[^{F16}(2) In section 14(1)(b) of the ^{M6} Scottish Development Agency Act 1975 (which makes similar provision in relation to the Scottish Development Agency, but with a limit of £2,000,000) for the words “previously acquired, would exceed £2,000,000” there

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shall be substituted the words “already held by the Agency or any of their subsidiaries, would exceed £1,000,000”.]

- (3) In section 20(1)(b) of the ^{M7}Welsh Development Agency Act 1975 (which makes similar provision in relation to the Welsh Development Agency, with a limit of £2,000,000) for the words “previously acquired, would exceed £2 million” there shall be substituted the words “already held by the Agency or any of their subsidiaries, would exceed £1,000,000”.

^{F17}(4)

Textual Amendments

- F15** S. 6(1) repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), **Sch. 2 Pt. I**; [S.I. 1991/2721](#), **art. 2**
- F16** S. 6(2) repealed (1.4.1991) (E.W.S.) by [Enterprise and New Towns \(Scotland\) Act 1990 \(c. 35, SIF 64\)](#), s. 38(2), **Sch. 5 Pt. I**
- F17** S. 6(4) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 16** Group 2

Modifications etc. (not altering text)

- C6** The text of ss. 1, 4, 5(1), 6, 8(2), 9, and Schedule 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals prior to 1.2.1991.
- C7** S. 6(4) repealed (1.4.1991) (E.W.S.) in so far as relating to the Scottish Development Agency Act 1975 or to the Scottish Development Agency, by [Enterprise and New Towns \(Scotland\) Act 1990 \(c. 35, SIF 64\)](#), s. 38(2), **Sch. 5 Pt. I**

Marginal Citations

- M6** 1975 c. 69.
- M7** 1975 c. 70.

[^{F187} **Members and chief executive of the Board.**

- (1) In section I of the Industry Act 1975—
- (a) in subsection (2) (membership of the National Enterprise of the Board) for the word “sixteen” there shall be substituted the word “twelve”, and
 - (b) subsection (8) (register of members’ financial interests) shall cease to have effect.
- (2) In Part III of Schedule 1 to the ^{M8}House of Commons Disqualification Act 1975 and in Part III of Schedule 1 to the ^{M9}Northern Ireland Assembly Disqualification Act 1975 there shall be inserted, at the appropriate place in alphabetical order— “ Chief executive of the National Enterprise Board. ” .]

Textual Amendments

- F18** S. 7 repealed (1.7.1996) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), **Sch. 2 Pt. III**; [S.I. 1996/1448](#), **art. 2**

Modifications etc. (not altering text)

- C8** The text of ss. 7, 19, 21(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals prior to 1.2.1991.

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Marginal Citations

- M8** 1975 c. 24.
- M9** 1975 c. 25.

8 Selective financial assistance under the Industry Act 1972.

- F19**(1)
- F20**(2)

Textual Amendments

- F19** S. 8(1) repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2 Pt. I; S.I. 1991/2721, art. 2](#)
- F20** S. 8(2) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 16](#) Group 2

Modifications etc. (not altering text)

- C9** The text of ss. 1, 4, 5(1), 6, 8(2), 9, and Schedule 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals prior to 1.2.1991.
- C10** S. 8(2) repealed (1.4.1991) (E.W.S.) in so far as relating to the Scottish Development Agency Act 1975 or to the Scottish Development Agency, by [Enterprise and New Towns \(Scotland\) Act 1990 \(c. 35, SIF 64\)](#), s. 38(2), [Sch. 5 Pt. I](#)

F219 Overseas aid.

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Textual Amendments

- F21** S. 9 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 16](#) Group 2

Modifications etc. (not altering text)

- C11** The text of ss. 1, 4, 5(1), 6, 8(2), 9, and Schedule 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals prior to 1.2.1991.
- C12** S. 9 repealed (1.4.1991) (E.W.S.) in so far as relating to the Scottish Development Agency Act 1975 or to the Scottish Development Agency by [Enterprise and New Towns \(Scotland\) Act 1990 \(c. 35, SIF 64\)](#), s. 38(2), [Sch. 5 Pt. I](#)

Changes to legislation:

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