



British Technology Group Act 1991

1991 CHAPTER 66

Supplementary provisions

12 Corporation tax

- (1) Subject to subsection (2) below, the successor company shall be treated for the purposes of the Corporation Tax Acts as if it were the same person as the Corporation and the Board.
- (2) Notwithstanding subsection (1) above, section 345 of the Income and Corporation Taxes Act 1988 (computation of chargeable gains) shall apply to the successor company without regard to any allowable losses of the Corporation or the Board.
- (3) Any share issued by the successor company in pursuance of section 3 above shall be treated for the purposes of the Corporation Tax Acts as if it had been issued wholly in consideration of a subscription paid to that company of an amount equal to the nominal value of the share.
- (4) Any debenture issued by the successor company in pursuance of that section shall be treated for the purposes of those Acts as if it had been issued—
 - (a) wholly in consideration of a loan made to that company of an amount equal to the principal sum payable under the debenture; and
 - (b) wholly and exclusively for the purposes of the trade carried on by that company.

13 Application of Trustee Investments Act 1961 in relation to investment in the successor company

- (1) For the purpose of applying paragraph 3(b) of Part IV of Schedule 1 to the Trustee Investments Act 1961 (which provides that shares and debentures of a company shall not count as wider-range and narrower-range investments respectively within the meaning of that Act unless the company has paid dividends in each of the five years immediately preceding that in which the investment is made) in relation to investment in shares or debentures of the successor company during the calendar year in which the

appointed day falls (“the first investment year”) or during any year following that year, the successor company shall be deemed to have paid a dividend as there mentioned—

- (a) in any year preceding the first investment year which is included in the relevant five years; and
 - (b) in the first investment year, if that year is included in the relevant five years and the successor company does not in fact pay such a dividend in that year.
- (2) In subsection (1) above “the relevant five years” means the five years immediately preceding the year in which the investment in question is made or proposed to be made.

14 Orders

- (1) Any power of the Secretary of State to make an order under this Act shall be exercisable by statutory instrument.
- (2) Any statutory instrument containing an order made by the Secretary of State under section 6 above or 17(1) below shall be subject to annulment in pursuance of a resolution of either House of Parliament.

15 Administrative expenses

Any administrative expenses incurred by the Secretary of State or the Treasury in consequence of the provisions of this Act shall be paid out of money provided by Parliament.

16 Interpretation

- (1) In this Act—
 - “the appointed day” means the day appointed under section 1(1) above;
 - “the Board” means the National Enterprise Board;
 - “the Corporation” means the National Research Development Corporation;
 - “debenture” includes debenture stock;
 - “financial year”, in relation to the Corporation, means a year ending on 31st March and, in relation to the Board, means the accounting year as defined in section 37(1) of the Industry Act 1975;
 - “securities”, in relation to a company, includes shares, debentures, bonds and other securities of the company, whether or not constituting a charge on the assets of the company;
 - “shares” includes stock;
 - “the successor company” means the company nominated for the purposes of section 1 above;
 - “the transitional period” has the meaning given by section 11(1) above.
- (2) A company shall be regarded for the purposes of this Act as wholly owned by the Crown at any time when each of the issued shares of the company is held by, or by a nominee of, the Treasury or the Secretary of State.

17 Consequential amendments, repeals and transitional provisions

- (1) The Secretary of State may by order make—

- (a) such consequential modifications of any provision contained in any Act (whether public general or local) passed, or subordinate legislation made, before the appointed day as appear to him to be necessary or expedient in connection with any reference in that Act or subordinate legislation to the Corporation or the Board;
- (b) such transitional or saving provision as appears to him to be necessary or expedient in connection with the coming into force of any provision of this Act;

and any provision of an order made under this subsection after the appointed day may be made so as to have effect as from that or any later day.

- (2) The enactments mentioned in Schedule 2 to this Act (which include certain spent enactments) are hereby repealed to the extent specified in the third column of that Schedule.
- (3) The transitional provisions and savings contained in Schedule 3 to this Act shall have effect.

18 Short title, commencement and extent

- (1) This Act may be cited as the British Technology Group Act 1991.
- (2) Subject to subsections (3) and (4) below, this Act shall come into force on the appointed day.
- (3) Sections 1, 2, 7, 14, 16(1), this section and paragraph 1 of Schedule 1 shall come into force at the passing of this Act.
- (4) Parts II and III of Schedule 2 shall come into force on the dissolution of the Corporation or, as the case may be, the Board.
- (5) Except for sections 3 to 6, 8 to 10 and 13, this Act extends to Northern Ireland.