



British Coal and British Rail (Transfer Proposals) Act 1993

1993 CHAPTER 2

An Act to confer powers on the British Coal Corporation and the British Railways Board to act in relation to proposals for the transfer of any of their functions, property, rights or liabilities to any other body or person; and for connected purposes. [19th January 1993]

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 Power to act in relation to proposals for transfer of functions, property etc

- (1) Where the Secretary of State is at any time proposing that any functions, property, rights or liabilities of a relevant corporation, that is to say, the British Coal Corporation or the British Railways Board, or of any subsidiary of a relevant corporation, should be transferred to any other body or person (“the transferee”), the functions of the relevant corporation shall include the power to do anything which in their opinion is appropriate for the purpose of—
 - (a) facilitating the implementation of the proposal; or
 - (b) facilitating the implementation of, or securing a modification of, any related proposals of the Secretary of State.
- (2) Any reference in this section to the transfer of any functions of a relevant corporation includes a reference to the conferring of functions on any body or person in connection with, or in consequence of, the transfer to that, or any other, body or person of any functions, property, rights or liabilities of the relevant corporation or of any of its subsidiaries; and, accordingly, where the proposal is for the conferring of functions on a body or person, any reference in this section to “the transferee” is a reference to that body or person.

- (3) The proposals which are to be regarded for the purposes of this section as related to a proposal of the Secretary of State for the transfer of any functions, property, rights or liabilities of a relevant corporation or a subsidiary of a relevant corporation (“the transferor”) shall include any proposal relating to, or to any matter connected with,—
- (a) any relevant property, rights or liabilities which would be affected by the transfer, or any such property, rights or liabilities after their proposed transfer;
 - (b) the exercise, whether before or after the transfer, of any function which it is proposed to transfer to the transferee;
 - (c) the establishment or formation, flotation, control, finances or employees of the transferee or (where the transferee is a body corporate) of any body corporate which is, or in pursuance of any proposal of the Secretary of State may become, a member of the same group as the transferee;
- and in this subsection “relevant property, rights or liabilities” means property, rights or liabilities of the transferor or of any other member of the same group as the transferor.
- (4) Any power of a relevant corporation to do anything under this section in relation to a proposal for the transfer of any functions, property, rights or liabilities, or in relation to any related proposals, shall include power to do that thing whether or not with a view to promoting the interests of the relevant corporation.
- (5) The powers conferred by this section in relation to any proposal shall be exercisable whether or not Parliament has given any approval on which the implementation of the proposal depends and are without prejudice to any power conferred otherwise than by virtue of this section.
- (6) For the purposes of this section a body corporate is a member of the same group as another body corporate if it is a holding company or subsidiary of that other body corporate or if it is another subsidiary of that other body corporate’s holding company.
- (7) In this section—
- (a) any reference to a subsidiary or holding company is a reference to a subsidiary or holding company (as the case may be) within the meaning of section 736 of the Companies Act 1985;
 - (b) any reference to a body, or to a body corporate, includes a reference to a body or body corporate (as the case may be) which has not been established or formed but which may be established or formed in pursuance of any proposal of the Secretary of State;
 - (c) any reference to functions, property, rights or liabilities is a reference to functions, property, rights or liabilities whether exercisable, situate or subsisting in the United Kingdom or elsewhere.

2 Short title, financial provision and extent

- (1) This Act may be cited as the British Coal and British Rail (Transfer Proposals) Act 1993.
- (2) Any increase attributable to the provisions of this Act in the sums payable under any other enactment out of—
- (a) money provided by Parliament, or
 - (b) the National Loans Fund,
- shall be paid out of money so provided or, as the case may be, out of that Fund.

- (3) Any sums received in consequence of this Act by the Secretary of State under any other enactment shall be paid—
- (a) to the extent that they represent interest on, or payments in or towards repayment of, sums issued out of the National Loans Fund, into that Fund; and
 - (b) subject to paragraph (a) above, into the Consolidated Fund;
- but this subsection is without prejudice to the power conferred on the Secretary of State by section 2(5) of the Coal Industry Act 1980 (which permits certain sums received by him to be applied under section 2(1) of that Act as money provided by Parliament).
- (4) This Act extends to Northern Ireland.

EXPLANATORY AND FINANCIAL MEMORANDUM

This Bill confers on the British Coal Corporation and the British Railways Board powers to participate in the implementation of proposals for the transfer of their commercial activities to the private sector and proposals for the establishment of new arrangements with respect to their other functions.

Clause 1 empowers the Corporation and the Board to take appropriate steps for facilitating the implementation of Government proposals for, or related to, the transfer of their functions, property, rights or liabilities to other bodies or persons. It also empowers them to seek modifications of related proposals.

Financial effects of the Bill

Costs incurred by the Corporation and the Board under the Bill will not increase the overall amount of public expenditure on the coal industry or the railways unless they lead to an increase in the Corporation's or the Board's external financing limits and, in that event, any increase attributable to the Bill would not be significant in relation to the total amount of public expenditure on the coal industry or the railways.

Effect of the Bill on public service manpower

The Bill is not expected to have any significant effect on public service manpower.