

Harris Tweed Act 1993

1993 CHAPTER xi

PART V

THE COMPANY AND THE AUTHORITY: SUCCESSION PROVISIONS

10 Property, rights and liabilities of Company to vest in Authority, etc

- (1) On the date on which this section comes into force (referred to in this section as the commencement date) all property, rights and liabilities to which the Company is entitled or subject immediately before that date shall vest in the Authority as the Company's successor, and shall thenceforth be those of the Authority.
- (2) References in this Act to property, rights and liabilities of the Company are references to all such property, rights and liabilities whether or not capable of being transferred or assigned by the Company.
- (3) It is declared for the avoidance of doubt that—
 - (a) in subsection (1) above the reference to property is to property situated in the United Kingdom or in any other part of the world, and the references to rights and to liabilities are references to rights to which the Company is entitled, and to liabilities to which it is subject, under the law of the United Kingdom or of any part of it or under that of any other country or territory; and
 - (b) the rights and liabilities which become those of the Authority by virtue of subsection (1) above shall include rights and liabilities under contracts of employment with all those employed by the Company; and employment with the Company and the Authority under any such contract shall be deemed for all purposes to be a single continuing employment.
- (4) On and after the commencement date the Authority shall be treated for all purposes of corporation tax, capital gains tax and value added tax as if it were the same person as the Company.
- (5) Any agreement made, transaction effected or other thing done by, to or in relation to the Company which is in force or effective immediately before the commencement

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

date shall have effect as if made, effected or done by, to or in relation to the Authority; and accordingly references to the Company—

- (a) in any agreement (whether or not in writing) and in any deed, bond or instrument;
- (b) in any process or document issued, prepared or employed for the purposes of any proceedings before any court or other tribunal or authority; and
- (c) in any other document whatsoever relating to or affecting any property, right or liability of the Company which is transferred by this section,

shall be taken as referring to the Authority.

(6) Any pension scheme maintained by the Company immediately before the commencement date shall be treated as a scheme established by the Authority under paragraph 11 (2) of the Schedule to this Act.

11 Further provisions about Company's foreign property, rights and liabilities

- (1) The Company shall continue in existence notwithstanding the provisions of section 10 of this Act; and it shall be the duty of the Company and of the Authority to take, as and when the Authority considers appropriate, all such steps as may be requisite to secure that the vesting in the Authority as successor, by virtue of section 10 (1) of this Act or this section, of any foreign property, right or liability is effective under the relevant foreign law.
- (2) Until such vesting as is mentioned in subsection (1) above is effective in foreign law, it shall be the duty of the Company to hold the property or right in question for the benefit of, or to discharge the liability on behalf of, the Authority.
- (3) Nothing in subsections (1) and (2) above shall be taken as prejudicing the effect under the law of the United Kingdom or of any part of it of such vesting as is so mentioned.
- (4) Any foreign property or right acquired, or any foreign liability incurred, by the Company after the coming into force of section 10 of this Act shall immediately become the property, right or liability of the Authority and the provisions of subsections (1) and (2) of this section shall apply to it as if it had been acquired or incurred by the Company before the coming into force of section 10 of this Act.
- (5) The Company shall have all the powers it needs for the performance of its duties under this section, but it shall be the duty of the Authority to act on the Company's behalf (so far as possible) in performing the duties imposed on the Company by this section.
- (6) References in this section to any foreign property, right or liability are references to any property, right or liability as respects which any issue arising in any proceedings would have been determined (in accordance with the rules of private international law) by reference to the law of a country or territory outside the United Kingdom.
- (7) Any expenses incurred by the Company under this section shall be met by the Authority.
- (8) Nothing in this Act shall preclude the dissolution of the Company under the provisions of the Companies Act 1985.