



# English Industrial Estates Corporation Act 1981

## 1981 CHAPTER 13

An Act to consolidate the law relating to the English Industrial Estates Corporation. [15th April 1981]

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:—

### *Constitution, status and functions of the Corporation*

#### **1 The Corporation**

- (1) There shall continue to be a body corporate named the English Industrial Estates Corporation (in this Act referred to as "the Corporation") which shall be charged as respects England with the exercise of the functions conferred on it by the provisions of this Act.
- (2) The Corporation shall consist of a chairman and such number of other members as the Secretary of State thinks fit.
- (3) The members of the Corporation shall be appointed by the Secretary of State and shall include—
  - (a) a person appearing to him to have adequate experience of industrial matters;
  - (b) a person appearing to him to have adequate experience in the organisation of workers ; and
  - (c) one or more persons appearing to him to have adequate experience in accountancy, building or estate management.
- (4) The Secretary of State may by regulations made by statutory instrument make provision with respect to—
  - (a) the appointment, tenure of office and removal of members of the Corporation;

- (b) the manner of execution of instruments and of entering into contracts by it and on its behalf; and
  - (c) the proof of documents executed by it or on its behalf; and a statutory instrument made in the exercise of this power shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) The Corporation shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown, or as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local; and the property of the Corporation shall not be regarded as the property of, or property held on behalf of, the Crown.
- (6) The provisions of Schedule 1 to this Act shall have effect in relation to the Corporation.

## **2 Functions of the Corporation**

- (1) The Corporation may, in accordance with directions given under subsection (4) below,
- (a) provide, facilitate the provision of, and manage sites and premises in England for occupation by industrial or commercial undertakings;
  - (b) provide, and facilitate the provision of, means of access, services and other facilities required in connection with sites and premises in England occupied or to be occupied by such undertakings ; and
  - (c) dispose for any purpose of land and other property held by the Corporation.
- (2) Subject to directions given under subsection (4) below, the Corporation may do anything, whether in England or elsewhere, which is calculated to facilitate or is conducive or incidental to the discharge of its functions, and in particular, without prejudice to the generality of the preceding provisions of this subsection, may—
- (a) act alone or with other persons, either in partnership or otherwise;
  - (b) acquire land, plant, machinery and equipment and other property;
  - (c) form, or acquire interests in, bodies corporate; and
  - (d) make loans and guarantee obligations (arising out of loans or otherwise) incurred by other persons.
- (3) In the preceding provisions of this section references to the provision of premises include references to the carrying out of any works and the provision of any plant, machinery or equipment, on or for the purposes of any premises; and references to an industrial or commercial undertaking include references to any activity providing employment.
- (4) The Secretary of State may give the Corporation general or specific directions and the Corporation shall comply with any such directions.
- (5) The Corporation shall have power to provide, or assist in the provision of, advisory services in relation to the building of factories or the development or management of industrial estates, both in relation to factories or industrial estates outside Great Britain as well as in England.
- (6) If it appears to the Secretary of State that an undertaking is to be, or has been, set up in an area for the time being specified as a development area or intermediate area under section 1 of the Local Employment Act 1972, and that there are circumstances which justify the giving of special assistance, the Secretary of State may authorise the

Corporation to provide premises for the occupation of the undertaking free of rent for such period as the Secretary of State thinks appropriate.

- (7) In subsection (6) above " undertaking " means any trade or business, or any other activity providing employment.

### **3 Agency powers of the Corporation**

The Corporation may act as agent—

- (a) for the Development Commissioners in the carrying out of the functions of the Commissioners in relation to applications for advances under Part I of the Development and Road Improvement Funds Act 1909 and in relation to the framing of schemes with respect to any of the matters for which such advances may be made; or
- (b) for the Secretary of State in the execution of any work in respect of which such an advance is made to him.

#### *Financial provisions*

### **4 Power for the Corporation to borrow**

- (1) The Corporation may, in accordance with directions under section 2(4) above given with the approval of the Treasury, borrow in any currency from the Commission of the European Communities or from the European Investment Bank, but subject to subsection (2) below.
- (2) The aggregate amount outstanding in respect of the principal of sums borrowed under this section and section 13 of the Industry Act 1980 shall not exceed £30 million or such greater sum not exceeding £50 million as the Secretary of State may with the approval of the Treasury by order specify.
- (3) The power to make orders under this section shall be exercisable by statutory instrument, and no such order shall be made unless a draft of it has been laid before and approved by resolution of the House of Commons.

### **5 Treasury guarantees**

- (1) The Treasury may guarantee, in such manner and on such conditions as they think fit, the repayment of the principal of, and the payment of interest on, any sums borrowed under section 13 of the Industry Act 1980 or section 4 above.
- (2) Immediately after a guarantee is given under this section, the Treasury shall lay a statement of the guarantee before each House of Parliament; and where any sum is issued for fulfilling a guarantee so given the Treasury shall, as soon as possible after the end of each financial year (beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged) lay before each House of Parliament a statement relating to that sum.
- (3) Any sums required by the Treasury for fulfilling a guarantee under this section shall be charged on and issued out of the Consolidated Fund.

- (4) If any sums are issued in fulfilment of a guarantee given under this section, the Corporation shall make to the Treasury, at such times and in such manner as the Treasury may from time to time direct, payments of such amounts as the Treasury may so direct in or towards repayment of the sums so issued and payments of interest at such rate as the Treasury may so direct on what is outstanding for the time being in respect of sums so issued.
- (5) Any sums received under subsection (4) above by the Treasury shall be paid into the Consolidated Fund.

## **6 Receipts and expenditure**

- (1) All receipts of the Corporation other than—
  - (a) receipts determined by the Corporation in accordance with any directions under section 2(4) above to be required to be retained for meeting expenses properly payable out of income, and
  - (b) receipts consisting of sums borrowed under section 13 of the Industry Act 1980 or section 4 above,shall be paid over to the Secretary of State.
- (2) The expenses of the Corporation incurred in the exercise of its functions under this Act, other than section 3 above, shall, except in so far as they are met out of the receipts of the Corporation, be defrayed by the Secretary of State.

## **7 Accounts and reports of the Corporation**

- (1) The Corporation shall keep proper accounts and proper records in relation to the accounts, and shall prepare in respect of each financial year a statement of accounts in such form as the Secretary of State, with the consent of the Treasury, may direct, being a form conforming with the best commercial standards.
- (2) The accounts of the Corporation shall be audited by auditors to be appointed annually by the Secretary of State.
- (3) No person shall be qualified to be appointed under subsection (2) above unless he is a member of one or more of the following bodies:—
  - (a) the Institute of Chartered Accountants in England and Wales;
  - (b) the Institute of Chartered Accountants of Scotland;
  - (c) the Association of Certified Accountants ;
  - (d) the Institute of Chartered Accountants in Ireland ;
  - (e) any other body of accountants established, in the United Kingdom and for the time being recognised by the Secretary of State for the purposes of section 161(1)(a) of the Companies Act 1948.
- (4) So soon as the accounts of the Corporation for any financial year have been audited, the Corporation shall send to the Secretary of State a report on the discharge of its functions during that year and that report shall include a copy of the statement of accounts for that year together with a copy of any report made by the auditors on the accounts.
- (5) In this section (as in section 5 above) " financial year " means the period of twelve months ending with 31st March.

*Miscellaneous and general*

**8 Extension of Secretary of State's power to acquire land**

The power to acquire land conferred on the Secretary of State by section 5 of the Local Employment Act 1972 (provision of sites and premises) shall include power to acquire land with a view to transferring it to the Corporation.

**9 Amendments, transitional provisions and repeals. 10. Short title, commencement and extent**

- (1) in subsection (1) of section 60 of the Landlord and Tenant Act 1954 (special provisions as to premises of which an Industrial Estates Corporation, among others, is the landlord) for the words " an Industrial Estates Corporation " there shall be substituted the words

“the English Industrial Estates Corporation”.

- (2) In section 17(1) of the Local Employment Act 1972 (Secretary of State's accounts and reports)—

- (a) for the words " section 12(4) of this Act" there shall be substituted the words

“section 7(4) of the English Industrial Estates Corporation Act 1981”;

- (b) in paragraph (a) after the words "this Act" there shall be added the words

“and the English Industrial Estates Corporation Act 1981”; and

- (c) in paragraph (b) for the words " all the industrial estates corporations" there shall be substituted the words

“the English Industrial Estates Corporation”.

- (3) Planning permission shall be deemed to have been granted under section 29 of the Town and Country Planning Act 1971 in respect of any development initiated by the Corporation before the end of March 1981.

- (4) The enactments specified in Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

- (5) The repeal by this Act of section 11(1) of the Industry Act 1980 does not affect—

- (a) the title of the Corporation to land vested in it by virtue of that section ; or

- (b) any rights, liabilities or obligations relating to any such land and in existence immediately before that repeal took effect.

- 10** (1) This Act may be cited as the English Industrial Estates Corporation Act 1981.

- (2) This Act shall come into force at the expiry of the period of one month beginning with the day on which it is passed.

- (3) Subject to subsection (4) below, this Act does not extend to Scotland or Northern Ireland.

- (4) The following provisions of this Act extend to Scotland—

- (a) section 9(2); and

- (b) section 9(4) and Schedule 2, to the extent that the provisions repealed extend to Scotland.

## SCHEDULES

### SCHEDULE 1

#### THE ENGLISH INDUSTRIAL ESTATES CORPORATION

##### *Members*

- 1 The Corporation—
- (a) shall pay to each of its members, in respect of his office as such, such remuneration (whether by way of salary or fees) and such allowances as the Secretary of State may with the approval of the Minister for the Civil Service determine in the case of that member; and
  - (b) in the case of any such member as the Secretary of State may with the approval of the Minister for the Civil Service determine, shall pay such pension or make such payments towards the provision of pensions to or in respect of him as the Secretary of State may with the approval of the Minister for the Civil Service determine.

- 2 The Secretary of State shall lay before each House of Parliament a statement of the remuneration and allowances that are or will be payable to members of the Corporation under paragraph 1 above; and, if any subsequent determination by the Secretary of State under that paragraph involves any departure from the terms of that statement or if a determination by the Secretary of State under that paragraph relates to the payment of, or to payments towards the provision of, a pension to or in respect of any member of the Corporation, the Secretary of State shall, as soon as possible after the determination, lay a statement thereof before each House of Parliament.

##### *Staff*

- 3 The Corporation may, subject to any limit of numbers which may be determined by the Secretary of State, employ such officers and servants as appear to the Corporation expedient for the exercise of its functions.

- 4 The Corporation shall—
- (a) pay to its officers and servants such remuneration as the Corporation may, subject to any directions of the Secretary of State, determine ; and
  - (b) as regards any officer or servant in whose case it may be determined by the Corporation with the approval of the Secretary of State so to do, pay to or in respect of him such pension, or provide and maintain for him such pension scheme (whether contributory or not), as may be so determined.

- 5 Where any officer or servant of the Corporation, being a participant in any pension scheme applicable to his office or employment, becomes a member of the Corporation, he may be treated for the purposes of the pension scheme as if his service as a member of the Corporation were service as an officer or servant of the Corporation, and his rights under the scheme shall not be affected by any provision of this Act which requires that the pensions to be paid, or payments towards the

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*Status: This is the original version (as it was originally enacted).*

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provision of pensions to be made, in the case of members of the Corporation shall be determined by the Secretary of State with the approval of the Minister for the Civil Service.

*Proceedings*

- 6 The procedure of the Corporation (including quorum) shall be such as it may determine.
- 7 No act of the Corporation shall be invalid by reason only of any vacancy among the members or any defect in the appointment of a member.

*Interpretation*

- 8 In this Schedule " pension ", in relation to a 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, with or without interest thereon or any other addition thereto.

SCHEDULE 2

ENACTMENTS REPEALED

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1972 c. 5.	The Local Employment Act 1972.	Section 10. In section 11, subsections (4) and (5) and (8) to (10). Section 12. In section 21(1), the definition of " industrial estates corporation ". Schedule 1.
1972 c. 63.	The Industry Act 1972.	In section 13, subsections (7) and (8).
1980 c. 33.	The Industry Act 1980.	Sections 10 to 15.