



Iron and Steel Act 1982

1982 CHAPTER 25

PART IV

MISCELLANEOUS AND GENERAL

29 Power of the Secretary of State to extend definition of iron and steel activities

- (1) If it appears to the Secretary of State that the processing of iron or steel by a process which, on 22nd March 1967, was not being applied by persons carrying on business in Great Britain, or was not, in his opinion, being so applied to a substantial extent, ought to be treated as included in Schedule 5 to this Act, he may, by order, provide that the processing of iron or steel by that process shall be deemed, for the purposes of this Act, to be included in that Schedule.
- (2) An order under subsection (1) above with respect to a process shall not be made by the Secretary of State except after consultation with—
 - (a) the Corporation;
 - (b) such organisations as appear to him to be representative of the interests of persons carrying on business in Great Britain who apply that process; and
 - (c) such organisations as appear to him to be representative of the interests of persons employed in Great Britain in applying that process.

30 Consultation with respect to carbonisation development between the Corporation and the National Coal Board

In planning and carrying out, or securing the planning and carrying out of, any programme of capital development or reorganisation of activities relating to carbonisation, the Corporation shall consult with the National Coal Board; and, in planning and carrying out any such programme in respect of their activities relating to carbonisation, the National Coal Board shall consult with the Corporation.

31 Power of the Secretary of State to require information from iron and steel producers

- (1) For the purpose of obtaining forecasts reasonably required by him for the exercise and performance of his functions under this Act, the Secretary of State may, by notice in writing served on the producer, require an iron and steel producer (other than the Corporation or a publicly-owned company) to supply the Secretary of State with such forecasts with respect to his output of, and capacity to produce, such iron and steel products as may be specified in the notice ; and any such notice may require any forecasts specified therein to be supplied in such manner and within such time as may be specified in the notice, and either periodically or on one occasion or more.
- (2) A person who fails to satisfy an obligation to which he is subject by, or by virtue of, subsection (1) above shall, unless he proves that he had reasonable excuse for the failure, be guilty of an offence and liable, on summary conviction, to a fine not exceeding £50, or, in the case of a second or subsequent conviction, or if he has previously been convicted of an offence under section 41 of the Iron and Steel Act 1967 or section 31(2) of the Iron and Steel Act 1975, to a fine not exceeding £200.

32 False information

- (1) A person shall be guilty of an offence if—
 - (a) in purported compliance with a requirement imposed under any provision of this Act or of regulations under this Act to supply information, he supplies any information which he knows to be false in a material particular or recklessly supplies any information which is so false; or
 - (b) in purported compliance with a requirement so imposed to supply a copy of, or extract from, a book of account, record or document, he supplies a document purporting to be such a copy or extract but which he knows to differ in a material particular from the book, record or document of which it purports to be a copy or, as the case may be, from the passage in which it purports to consist, or recklessly supplies a document purporting to be such a copy or extract but which so differs.
- (2) A person guilty of an offence under subsection (1) above shall be liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding the statutory maximum, or to both ;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

33 Restriction of disclosure of information

- (1) No information obtained under this Act or any of its predecessors shall be disclosed except—
 - (a) with the consent of the person by whom it was supplied or, as the case may be, carrying on the undertaking or business to which the books, records or other documents from which it was obtained related ; or
 - (b) in the form of a summary of information supplied by, or obtained from documents relating to undertakings or businesses carried on by, a number of persons, being a summary so framed as not to enable particulars relating to the business of individual persons to be ascertained therefrom; or

- (c) for the purpose of enabling the Corporation or the Secretary of State to discharge their or his functions under this Act; or
 - (d) with a view to the institution of, or otherwise for the purposes of, any criminal proceedings pursuant to, or arising out of, this Act or any of its predecessors.
- (2) Nothing contained in a forecast obtained under this Act or any of its predecessors shall be disclosed except—
 - (a) with the consent of the person by whom the forecast was supplied;
 - (b) in the form of a summary of forecasts supplied by a number of persons, being a summary framed as mentioned in subsection (1)(b) above ;
 - (c) for such a purpose as is mentioned in subsection (1)(c) above; or
 - (d) as mentioned in subsection (1)(d) above.
- (3) If a disclosure is made by a person in contravention of subsection (1) or (2) above he shall be guilty of an offence and liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding the statutory maximum, or to both ;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.
- (4) For the purposes of this section the predecessors of this Act are the Iron and Steel Act 1949, the Iron and Steel Act 1953, the Iron and Steel Act 1967 and the Iron and Steel Act 1975.

34 Offences by bodies corporate

- (1) Where an offence under section 32 or 33 above which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against accordingly.
- (2) In subsection (1) above "director", in relation to the Corporation or any other body corporate established by or under an enactment for the purpose of carrying on under national ownership an industry or part of an industry or undertaking, being a body corporate the affairs of which are managed by its members, means a member of the Corporation or that other body corporate, as the case may be.

35 Service of documents

Any notice authorised to be served under section 31 above, or any other document required or authorised to be given, delivered or served by or under any regulations made under or having effect by virtue of this Act may, without prejudice to any provisions in that behalf of any such regulations, be given, delivered or served either—

- (a) by delivering it to the person to whom it is to be given or delivered or on whom it is to be served ; or
- (b) by leaving it at the usual or last known address of that person; or
- (c) by sending it in a prepaid letter addressed to that person at his usual or last known address; or
- (d) in the case of an incorporated company or body or the arbitration tribunal, by delivering it to the secretary or clerk of the company, body or tribunal at their

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registered or principal office or sending it in a prepaid letter addressed to the secretary or clerk of the company, body or tribunal at that office ; or

- (e) if it is not practicable after reasonable enquiry to ascertain the name or address of a person to whom it should be given or delivered, or on whom it should be served, as being a person having any interest in premises, by addressing it to him by the description of the person having that interest in the premises (naming them) to which it relates, and delivering it to some responsible person on the premises, or affixing it, or a copy of it, to some conspicuous part of the premises.

36 Regulations, orders and rules

- (1) Any power conferred by this Act to make regulations, any power conferred on the Secretary of State by this Act to make an order, and the power conferred by section 26(4) above to make rules shall be exercisable by statutory instrument.
- (2) A statutory instrument which contains an order under section 5(1) or 23 above, or any regulations or rules (except regulations under Schedule 3 to this Act), shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) No order shall be made under section 14(7) or 29(1) above unless a draft of the order has been laid before Parliament and has been approved by resolution of each House of Parliament.
- (4) No order shall be made under section 18(7) or 19(2) above unless a draft of the order has been laid before, and approved by a resolution of, the House of Commons.
- (5) No order shall be made under section 12 above unless a draft of the order has been laid before Parliament; and section 14 of the Interpretation Act 1978 (implied power to amend or revoke) shall not apply to the power to make an order under section 12 above.

37 Interpretation

- (1) In this Act—

" the arbitration tribunal" has the meaning assigned by section 25(1) above;

" company " means a company within the meaning of the Companies Act 1948 and a body incorporated by royal charter;

"the Corporation" has the meaning assigned by section 1(1) above;

" financial year "—

- (a) in relation to the Corporation, means the period prescribed by or under section 23 above; and

- (b) in relation to any publicly-owned company, means the period for which the accounts of the company are made up for the purpose of being laid before its annual meeting, whether that period is a year or not;

" iron and steel activities " means the activities described in Schedule 5 to this Act;

" iron and steel producer " means a person carrying on in Great Britain a business comprising any iron and steel activities;

" iron and steel products " means products of any iron and steel activities;

"iron ore" means ore containing not less than one fifth part by weight of iron;

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"pension", in relation to any 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 to a pension fund, with or without interest thereon or any other addition thereto;

"products", in relation to any activities, means the direct products of those activities and does not include any by-products thereof;

"publicly-owned company" means a company which for the time being qualifies for inclusion in any group of bodies corporate as respects which the following conditions are for the time being fulfilled—

- (a) every body corporate of the group is either the Corporation or a subsidiary of the Corporation ; and
- (b) every member of every company in the group is either the Corporation or another company in the group or a nominee of the Corporation or of a company in the group;

and "public ownership", in relation to any company, shall be construed accordingly ;

"Scottish proceedings" has the meaning assigned by section 25(3) above;

"the statutory maximum" means—

- (a) in England and Wales, the prescribed sum within the meaning of section 32 of the Magistrates' Courts Act 1980 (that is to say £1,000 or another sum fixed by order under section 143 of that Act to take account of changes in the value of money); and
- (b) in Scotland, the prescribed sum within the meaning of section 289B of the Criminal Procedure (Scotland) Act 1975 (that is to say £1,000 or another sum fixed by order under section 289D of that Act for that purpose);

"subsidiary" shall be construed in accordance with section 154 of the Companies Act 1948 ;

"works" means—

- (a) any factory (within the meaning of the Factories Act 1961);
- (b) any mine or quarry ; or
- (c) any premises used by way of trade or business for the purposes of the storage, transport or distribution of any articles or for the supply of electricity or other forms of power ;

together with any machinery or equipment installed in any factory, mine, quarry or premises as aforesaid and any land occupied for the purposes thereof, but does not include any factory, mine, quarry, premises or land outside Great Britain.

- (2) References in this Act to a person employed by a company do not include references to a director of the company whose functions are not substantially those of a managing director or an employee.

38 Consequential provisions etc. and repeals

- (1) Schedule 6 to this Act (which contains consequential and transitional provisions and savings) shall have effect, and the provisions of that Schedule are without prejudice to sections 16 and 17 of the Interpretation Act 1978 (which relate to repeals).

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- (2) Subject to the provisions of the said Schedule 6, the enactments specified in Schedule 7 to this Act are hereby repealed to the extent specified in the third column of Schedule 7.

39 Short title, commencement and extent

- (1) This Act may be cited as the Iron and Steel Act 1982.
- (2) This Act shall come into force on the expiration of the period of three months beginning with its passing.
- (3) Without prejudice to the capacity of the Corporation under section 2 above, the following provisions only of this Act shall extend to Northern Ireland, that is to say, sections 12(1) and (2), 13(3) and (4), 36(1) and (5), 37, section 38 so far as it relates to paragraph 6 of Schedule 6 and to Schedule 7 and this section.