



Telecommunications Act 1984

1984 CHAPTER 12

PART V

TRANSFER OF UNDERTAKING OF BRITISH TELECOMMUNICATIONS

*Vesting of property etc. of British Telecommunications
in a company nominated by the Secretary of State*

68 Liability of Secretary of State in respect of liabilities vesting in successor company.

- (1) This section applies where—
 - (a) a resolution has been passed, in accordance with the [^{F1}Insolvency Act 1986], for the voluntary winding up of the successor company, otherwise than merely for the purpose of reconstruction or amalgamation with another company; or
 - (b) without any such resolution having been passed beforehand, an order has been made for the winding up of the successor company by the court under that Act.
- (2) The Secretary of State shall become liable on the commencement of the winding up to discharge any outstanding liability of the successor company [^{F2}for the payment of pensions] which vested in that company by virtue of section 60 above.
- (3) Any sums required by the Secretary of State for discharging any liability imposed on him by this section shall be paid out of money provided by Parliament.
- (4) Where the Secretary of State makes a payment to any person in discharge of what appears to him to be a liability imposed on him by this section, he shall thereupon become a creditor of the successor company to the extent of the amount paid, his claim being treated for the purposes of the winding up as a claim in respect of the original liability.
- (5) Any sums received by the Secretary of State in respect of any claim made by virtue of subsection (4) above in the winding up of the successor company shall be paid into the Consolidated Fund.

Changes to legislation: There are currently no known outstanding effects for the Telecommunications Act 1984, Section 68. (See end of Document for details)

- (6) The reference in subsection (2) above to the commencement of the winding up is a reference—
- (a) in a case within subsection (1)(a) above, to the passing of the resolution; and
 - (b) in a case within subsection (1)(b) above, to the making of the order.

Textual Amendments

- F1** Words substituted by virtue of [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), s. 30, [Sch. 2](#) and [Insolvency Act 1986 \(c. 45, SIF 66\)](#), s. 439(2), [Sch. 14](#)
- F2** Words in s. 68(2) inserted (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by [Communications Act 2003](#), {ss. 398(3)}, 406, 408, 411 (with Sch. 18); [S.I. 2003/1900](#), arts. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with art. 3(2)) (as amended (8.12.2003) by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), [art. 3\(2\)](#) (with art. 11)

Modifications etc. (not altering text)

- C1** [S. 68](#): power to amend conferred (27.4.2017) by [Digital Economy Act 2017 \(c. 30\)](#), [ss. 115](#), 118(1)

Changes to legislation:

There are currently no known outstanding effects for the Telecommunications Act 1984, Section 68.