

1971 No. 2054

INDUSTRIAL ORGANISATION AND DEVELOPMENT**The Textile Council (Dissolution) Order 1971***Laid before Parliament in draft*

Made - - - - 16th December 1971

Coming into Operation 1st January 1972

Whereas the Secretary of State has consulted the development council known as the Textile Council (for the Man-Made Fibre, Cotton and Silk industries of Great Britain) (hereinafter called "the Council") and the organisations appearing to him to be representative of substantial numbers of persons carrying on business in those industries and the organisations representative of persons employed in those industries appearing to him to be appropriate:

And whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, the Secretary of State, in exercise of his powers under section 8 of the Industrial Organisation and Development Act 1947(a) and all other powers in that behalf enabling him, hereby orders as follows:—

Citation, Commencement and Interpretation

1.—(1) This Order may be cited as the Textile Council (Dissolution) Order 1971 and shall come into operation on 1st January 1972.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Winding up of the Textile Council

2. On 31st March 1972 or on such later date as the Secretary of State may direct (hereinafter referred to as "the dissolution date"), the property, rights and liabilities which immediately before that date were property, rights and liabilities of the Council shall, by virtue of this Article, vest in the Secretary of State for Trade and Industry and the Council shall be dissolved.

Council's final accounts

3.—(1) The general accounts of the Council shall be prepared for the period commencing on 1st April 1971 and terminating on 29th February 1972 which shall be the Council's last financial year and the Council shall comply with section 7(1) of the Industrial Organisation and Development Act 1947 and deliver the said accounts to the Council's auditors not later than the dissolution date.

(a) 1947 c. 40.

(b) 1889 c. 63.

(2) Special liquidation accounts, in such form as the Secretary of State may direct, relating to the financial transactions of the Council occurring on and after 1st March 1972 until the dissolution date shall be separately prepared by the Council and delivered to the Secretary of State before the dissolution date.

Powers of the Council pending dissolution

4. After 29th February 1972 the Council shall not exercise any of the functions assigned to them by the Cotton Industry Development Council Order 1948(a) (as amended (b)) (hereinafter referred to as "the Order") except so far as may be necessary for the beneficial winding up of the Council.

Power to impose and recover charges

5.—(1) If the assets of the Council are insufficient to meet their liabilities and the expenses of the winding up, the Council shall have power with the approval of the Secretary of State to impose a charge or charges on persons carrying on business in the industry consisting of the activities specified in Schedule 1 to the Order.

(2) The provisions of Articles 6, 8 and 9 of the Order shall apply in relation to any such charge, subject to the following modifications:—

- (a) the omission of paragraphs (1) to (3) of Article 6 and the substitution, for references in that Article to those paragraphs, of references to paragraph (1) of this Article;
- (b) the omission of paragraphs (8) and (10) of Article 6; and
- (c) the omission of heads (a) and (b) of Article 6(11) and the substitution therefor of the words "pay to the Council".

(3) Charges imposed under paragraph (1) of this Article shall be computed to yield, as near as possible, a total amount equal to the amount by which the liabilities of the Council and the expenses of the winding up exceed the assets of the Council.

Surplus Moneys

6. The Council may, from time to time out of any moneys which they are satisfied are not, and will not be, required for the purposes of meeting their liabilities or the expenses of the winding up, make payments for purposes connected with the industry for which the Council was established, being purposes specified in the First Schedule to this Order.

Powers of the Secretary of State

7.—(1) The Secretary of State shall have power to do anything which, in his opinion, is necessary or desirable to facilitate the winding up of the Council and after the Council's dissolution in accordance with Article 2 of this Order may dispose as he thinks fit of all the property vested in the Council on the dissolution date.

(2) The Secretary of State shall have power after the Council's dissolution to pay any moneys which he is satisfied are not, and will not be, required for the purposes of meeting the liabilities of the Council and the expenses of the winding up for the purposes referred to in Article 6.

(a) S.I. 1948/629 (Rev. V, p. 87; 1948 I, p. 1623).

(b) The relevant amending instruments are: S.I. 1951/2173; 1953/421; 1957/508; 1961/899; 1964/662; 1966/1578; (1951 I, p. 1125; 1953 I, p. 862; 1957 I, p. 1174; 1961 II, p. 1713; 1964 II, p. 1236; 1966 III, p. 4862).

Settlement of Council's debts and liabilities

8.—(1) Every creditor of the Council shall notify the Council and, after the dissolution date, the Secretary of State for Trade and Industry of each of his debts or claims against the Council—

- (a) if the right of action accrued prior to the date on which this Order comes into operation, within three months of that date; or
- (b) if the right of action accrued on or after the date on which this Order comes into operation, within three months of the date on which they so accrued,

and shall give the Council or the Secretary of State for Trade and Industry, as the case may be, such further information relating thereto as they or he may reasonably require:

Provided that this paragraph shall not apply to any debt or claim which is the subject of any legal proceedings which have been commenced against the Council prior to the date on which this Order comes into operation.

(2) Every creditor in the notification given to the Council or the Secretary of State for Trade and Industry in accordance with paragraph (1) of this Article shall state therein the amount of the debt or claim or, where the debt or claim is subject to a contingency or sounds in damages or bears no specific value, shall include therein as far as possible a just estimate of the debt or claim.

(3) The Council or the Secretary of State for Trade and Industry, as the case may be, may admit or reject each debt or claim notified to them or him in accordance with paragraph (1) of this Article and shall notify the creditor in writing whether they or he admit or reject it in whole or in part, and if they or he reject it shall state in the notification the grounds of the rejection.

Limitation of actions

9. No action or other legal proceedings shall be commenced in respect of any debt or claim or any part thereof against the Council on or after the date on which this Order comes into operation unless—

- (a) that debt or claim has been notified to the Council or the Secretary of State in accordance with the provisions of Article 8;
- (b) that debt or claim or that part has been rejected by the Council or the Secretary of State; and
- (c) not more than two months have elapsed since the Council or the Secretary of State notified the creditor of the grounds of the rejection.

Council's duty to give information

10. It shall be the duty of the Council to give the Secretary of State for Trade and Industry all such information, to prepare all such documents and to do all such other things as appear to him to be necessary or expedient for facilitating the carrying into effect of the provisions of Article 2 of this Order and for assisting him in managing or otherwise dealing with any property, rights or liabilities thereby transferred to him.

Revocations

11. The Orders listed in the Second Schedule to this Order are hereby revoked without prejudice to anything lawfully done thereunder.

Dated 16th December 1971.

John Eden,
Minister for Industry,
Department of Trade and Industry.

Articles 6 and 7

SCHEDULE 1

Specified Purposes

- (1) Maintaining productivity services.
- (2) Maintaining statistical services.
- (3) Developing industrial and commercial policies to improve the efficiency and prosperity of the industry and promoting the representation of its interests.
- (4) Scientific research.
- (5) The purposes for which the funds of the Cotton War Memorial Trust may be applied.

Article 11

SCHEDULE 2

| Regulations Revoked | Reference |
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| The Cotton Industry Development Council Order 1948 | SI 1948/629 (Rev. V, p. 87: 1948 I, p. 1623) |
| The Cotton Industry Development Council (Amendment) Order 1951 | SI 1951/2173 (1951 I, p. 1125) |
| The Cotton Industry Development Council (Amendment No. 2) Order 1953 | SI 1953/421 (1953 I, p. 862) |
| The Cotton Industry Development Council (Amendment No. 3) Order 1957 | SI 1957/508 (1957 I, p. 1174) |
| The Cotton Industry Development Council (Amendment No. 4) Order 1961 | SI 1961/899 (1961 II, p. 1713) |
| The Cotton Industry Development Council (Amendment No. 5) Order 1964 | SI 1964/662 (1964 II, p. 1236) |
| The Cotton Industry Development Council (Amendment No. 6) Order 1966 | SI 1966/1578 (1966 III, p. 4862). |

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order provides for the winding up and dissolution of the Textile Council, the imposition and recovery of charges to meet their liabilities and the expenses of the winding up, the application of surplus moneys of the Council for specified purposes, and the revocation of the Cotton Industry Development Council Order 1948, as amended.