
S T A T U T O R Y I N S T R U M E N T S

1981 No. 1142

INDUSTRIAL ORGANISATION AND DEVELOPMENT

**The Furniture Development Council (Dissolution)
Order 1981**

Laid before Parliament in draft

Made - - - - - 31st July 1981

Coming into Operation 1st December 1981

Whereas the Secretary of State has consulted the development council known as the Furniture Development Council (hereinafter called “the Council”) and the organisations appearing to him to be representative of substantial numbers of persons carrying on business in the furniture manufacturing 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 the powers conferred by section 8 of the Industrial Organisation and Development Act 1947^(a) and now vested in him^(b) and all other powers in that behalf enabling him, hereby orders as follows:—

Citation and commencement

1. This Order may be cited as the Furniture Development Council (Dissolution) Order 1981 and shall come into operation on 1st December 1981.

Modification and abolition of statutory levy

2. The Furniture Industry Development Council Order 1948^(c) (hereinafter referred to as “the principal Order”) shall have effect as if:—

(a) in paragraph (1) of Article 6 thereof after the words “each subsequent year” there were inserted the words “up to and including the year 1982”; and

(b) in the proviso to that paragraph, in its application to the year 1982, for the amount “£3,000” there were substituted the amount “£200,000”.

Winding up of the Furniture Development Council

3.—(1) On 31st December 1982 (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 Industry and the Council shall be dissolved.

(2) Any legal proceedings to which the Council are a party immediately before the dissolution of the Council may be continued after the dissolution by or in relation to the Secretary of State.

^(a) 1947 c. 40.

^(b) S.I. 1970/1537.

^(c) S.I. 1948/2774, to which the only relevant amending instrument is S.I. 1967/1130.

(3) A requirement imposed by the Council under Article 5 or 6(5) of the principal Order which remains unfulfilled on the dissolution date shall, as from that date, have effect as if any reference to the Council or any officer thereof in relation to that requirement were a reference to the Secretary of State.

Council's final accounts

4.—(1) The general accounts of the Council shall be prepared for the period commencing on 1st January 1982 and terminating on 30th November 1982 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.

(2) Special liquidation accounts, in such form as the Secretary of State may direct, relating to the financial transactions of the Council occurring between 30th November 1982 and the dissolution date shall be separately prepared by the Council and delivered to the Secretary of State on or before the dissolution date.

Powers of the Council pending dissolution

5. After 30th November 1982 the Council shall not without the consent of the Secretary of State exercise any of the functions assigned to them by the principal Order except so far as may be necessary for the beneficial winding up of the Council.

Power to impose and recover charges

6.—(1) If the assets of the Council are insufficient to meet their liabilities and the expenses of the winding up, the Council shall, for the purpose of making good the deficiency, have power with the approval of the Secretary of State to impose a charge or charges on those persons upon whom a charge may be imposed in respect of the year 1982 under Article 6(1) of the principal Order as amended by Article 2(b) of this Order.

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

(a) the omission of paragraph (1) of Article 6 thereof and the substitution for references in that Article to that paragraph of references to paragraph (1) of this Article;

(b) in paragraph (2) of Article 6 thereof:—

(i) the omission of the words "not exceeding 10s. 0d".

(ii) the substitution, for the definition of "base year", of the following definition:—

" "base year" means the year 1981";

(c) the omission of paragraph (3)(a) of Article 6 thereof.

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

7. For the purpose of collection by the Secretary of State of any moneys due in respect of a charge imposed by the Council under Article 6 of the principal Order or Article 6 of this Order, the principal Order shall, as from the dissolution date, have effect as if:—

- (a) in Articles 5, 6(4), (5), (6) and (7), 7 and 8 references to the Council were references to the Secretary of State;
- (b) in Article 5, the words after “any of their functions” were omitted;
- (c) in Article 8:—
 - (i) the words in paragraph (1) after “as may be specified in the notice” were omitted;
 - (ii) paragraph (2) were omitted;
- (d) in Article 9, the reference to the Council included a reference to the Secretary of State.

Surplus moneys

8. 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 purposes connected with the industry for which the Council was established, being purposes falling within the Second Schedule to the principal Order.

Settlement of Council's debts and liabilities

9.—(1) On or after 1st October 1982 every creditor shall notify the Council or, after the dissolution date, the Secretary of State of each of his debts or claims against the Council:—

- (a) if the right of action accrued before 1st October 1982, within three months of that date; or
- (b) if the right of action accrued on or after 1st October 1982, within three months of the date on which it so accrued,

and shall give the Council or the Secretary of State, 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 before 1st October 1982.

(2) Every creditor in the notification given to the Council or the Secretary of State 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, 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.

Council's duty to give information

10. It shall be the duty of the Council to give the Secretary of State for 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 3 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 Schedule to this Order shall be revoked on 31st December 1983.

31st July 1981.

John MacGregor,
Parliamentary Under Secretary of State,
Department of Industry.

Article 11

SCHEDULE

Orders Revoked	Reference
The Furniture Industry Development Council Order 1948	S.I. 1948/2774
The Furniture Industry Development Council (Amendment) Order 1958	S.I. 1958/1126
The Furniture Industry Development Council (Amendment No. 2) Order 1964	S.I. 1964/1085
The Furniture Industry Development Council (Amendment No. 3) Order 1967	S.I. 1967/1130

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order provides for:—

- (i) the modification of the statutory levy on the furniture industry for the year 1982, by excluding businesses whose turnover is not more than £200,000, instead of £3,000 as at present (Article 2(b));
- (ii) the abolition of the levy for subsequent years (Article 2(a)); and
- (iii) the winding up and dissolution of the Furniture Development 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 Furniture Industry Development Council Order 1948, as amended (Article 3 *et seq.*).

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