Draft Order laid before Parliament under section 11 of the Public Bodies Act 2011, for approval by a resolution of each House of Parliament after the expiry of the 40-day period referred to in section 11(4) of that Act.

DRAFT STATUTORY INSTRUMENTS

2013 No. XXXX

PUBLIC BODIES

The Public Bodies (Abolition of British Shipbuilders) Order 2013

Made - - - - [2013]
Coming into force in accordance with article 1(2) and (3)

The Secretary of State makes the following Order in exercise of the powers conferred by sections 1(1), 6(1) and (5), 23(1), (2), (5) and (6), 24(1) and 35(2) of the Public Bodies Act 2011(**1**) ("the Act").

In accordance with section 8 of the Act, the Secretary of State considers that this Order—

(a) serves the purpose of improving the exercise of public functions, having had regard to the factors set out in section 8(1); and

(b) does not remove any necessary protection or prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise.

The consent of the Scottish Parliament, Northern Ireland Assembly and Welsh Ministers has, so far as required, been obtained in accordance with section 9(1), 9(3) and 9(7) of the Act.

The Secretary of State has consulted in accordance with section 10 of the Act.

A draft of this Order, and an explanatory document containing the information required by section 11(2) of the Act, have been laid before Parliament in accordance with section 11(1) after the end of the period of twelve weeks mentioned in section 11(3). In accordance with section 11(4) of the Act, the draft of this Order has been approved by a resolution of each House of Parliament after the expiry of the 40-day period referred to in that provision.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Public Bodies (Abolition of British Shipbuilders) Order 2013.

(**1**) 2011 c.24.

(2) Subject to paragraph (3), this Order comes into force on the day after the day on which it is made.

(3) Paragraph 15 of Schedule 1 comes into force on the day after that on which the other provisions of this Order come into force.

(4) In this Order—

"Secretary of State" means the Secretary of State for Business, Innovation and Skills;

"subsidiary" has the meaning given by section 1159 of the Companies Act 2006(**2**).

Transfer of certain property, rights and liabilities to the Secretary of State

2.—(1) The property, rights and liabilities of British Shipbuilders are transferred to the Secretary of State.

(2) The property and rights of the subsidiaries of British Shipbuilders are transferred to the Secretary of State.

(3) The liabilities of the subsidiaries of British Shipbuilders are transferred to the Secretary of State.

(4) For the purposes of paragraph (3) any subsidiary of British Shipbuilders that was dissolved before this article comes into force is to be treated as if it had not been so dissolved.

Transfer of property, rights and liabilities: supplemental

3.—(1) Paragraph (2) applies to anything (including legal proceedings) that—

(a) relates to property, rights or liabilities vested in the Secretary of State by virtue of article 2, and

(b) on the coming into force of this article, is in the process of being done by or in relation to British Shipbuilders or a subsidiary of British Shipbuilders.

(2) The thing may continue to be done by, or in relation to, the Secretary of State.

(3) Paragraph (4) applies to anything done by, or in relation to, British Shipbuilders or a subsidiary of British Shipbuilders that relates to property, rights or liabilities vested in the Secretary of State by virtue of article 2.

(4) The thing is to be treated as having been done by, or in relation to, the Secretary of State (so far as is necessary for continuing its effect after this article comes into force).

(5) Paragraph (6) applies to any document that—

(a) relates to property, rights or liabilities vested in the Secretary of State by virtue of article 2, and

(b) has effect immediately before this article comes into force.

(6) Any reference in the document to British Shipbuilders or to a subsidiary of British Shipbuilders is to be read as a reference to the Secretary of State.

(7) In this article any reference to a subsidiary of British Shipbuilders includes a reference to a subsidiary that was dissolved before this article comes into force.

Abolition of British Shipbuilders

4.—(1) British Shipbuilders is abolished immediately after the transfer of its property, rights and liabilities to the Secretary of State under article 2(1).

(**2**) 2006 c.46.

(2) The subsidiaries of British Shipbuilders are abolished immediately after the transfer of their property, rights and liabilities to the Secretary of State under article 2(2) and (3).

(3) The reporting duties of British Shipbuilders in respect of its final accounting year must, after its abolition, be discharged by the Secretary of State.

(4) The reporting duties of British Shipbuilders are—

(a) its duties under section 17(1)(b) and (c) of the Aircraft and Shipbuilding Industries Act 1977(**3**) (statements of accounts), and

(b) its duties under section 18 of that Act (annual report).

(5) The final accounting year of British Shipbuilders is the period which begins on 1st April 2012 and ends on the abolition of British Shipbuilders.

Amendments consequential etc

5. Schedules 1 and 2 (which make consequential etc provision on the abolition of British Shipbuilders and the associated transfer scheme) shall have effect.

Name
Minister of State for Business and Enterprise
Department for Business, Innovation and Skills

Date

(**3**) 1977 c.3.

SCHEDULE 1

Article 5

CONSEQUENTIAL ETC AMENDMENTS TO PRIMARY LEGISLATION

House of Commons Disqualification Act 1975 (c.24)

1. In Schedule 1 to the House of Commons Disqualification Act 1975, in Part II (bodies of which all members are disqualified), omit the entry for British Shipbuilders.

Northern Ireland Assembly Disqualification Act 1975 (c.25)

2. In Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975, in Part II (bodies of which all members are disqualified), omit the entry for British Shipbuilders.

Aircraft and Shipbuilding Industries Act 1977 (c.3)

3.—(1) The Aircraft and Shipbuilding Industries Act 1977 is amended as follows.

(2) Part I is repealed.

(3) In Part II—

(a) sections 19(2), 20(4) and 40(4) and Schedule 2 are omitted; and

(b) sections 19(3) to (5), 20(1) to (3) and (5) to (7) and 40(1) to (3), (5) and (6) and Schedule 3 cease to have effect in relation to British Shipbuilders.

(4) In Part III—

(a) sections 47, 48, 49 and 53 are omitted; and

(b) in section 56(1) (interpretation)—

(i) the definitions of "accounting year", "associated person", "equity share capital", "group of companies", "pension", "pension rights", "pension scheme", "public dividend capital" and "public dividends", "the relevant days", "relevant trade union", "shipbuilding industry vesting date" and "voting power" are omitted; and

(ii) in the definition of "the relevant vesting date", paragraph (b) and the word "and" immediately preceding it are omitted.

(5) The repeal of sections 17 and 18 is subject to the transitional provision made by article 4(3) to (5).

British Aerospace Act 1980 (c.26)

4. In the British Aerospace Act 1980, omit section 10 (which makes provision for certain provisions of the Aircraft and Shipbuilding Industries Act 1977 to cease to have effect in relation to British Aerospace etc.).

Local Government, Planning and Land Act 1980 (c.65)

5.—(1) The Local Government, Planning and Land Act 1980 is amended as follows.

(2) In section 170 (interpretation: meaning of statutory undertakers), omit subsection (2).

(3) In Schedule 16 (bodies to whom Part 10 applies), omit paragraph 12.

British Shipbuilders Act 1983 (c.15)

6. The British Shipbuilders Act 1983 is repealed.