



Miscellaneous Financial Provisions Act 1983

CHAPTER 29

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ELIZABETH II



Miscellaneous Financial Provisions Act 1983

1983 CHAPTER 29

An Act to establish a Development Commission in place of the Commissioners appointed under the Development and Road Improvement Funds Act 1909; to authorise the making of grants by the Secretary of State to bodies promoting industrial or commercial development in areas in England; to extinguish liability in respect of certain guarantees given under the Colonial Loans Act 1949; to amend certain enactments authorising the Treasury to give guarantees; to extend the power of the Crown Estate Commissioners to grant leases; to make provision for the redemption of certain annuities and allowances which have been payable out of public funds since before 1874; to amend section 173A of the Local Government Act 1972; and for connected purposes. [13th May 1983]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) There shall be a body corporate called the Development Commission. The
Development
Commission.

(2) The first members of the Commission shall be the persons who, immediately before the commencement of this section, are the Development Commissioners under the Development and Road Improvement Funds Act 1909; and Part I of that Act shall cease to have effect. 1909 c. 47.

(3) The Development Commission shall keep under review and advise the Secretary of State upon all matters relating to the economic and social development of rural areas in England and may carry out or assist others to carry out measures likely to further such development.

(4) Subject to subsections (7) and (8) below, the Commission may do anything which is conducive or incidental to the discharge of its functions and in particular (but without prejudice to the generality of the foregoing) may—

- (a) make grants and loans and give guarantees and any other form of financial assistance ;
- (b) acquire land and other property ;
- (c) provide or facilitate the provision of premises for occupation by industrial or commercial undertakings ;
- (d) form, and hold controlling or other interests in, bodies corporate ;
- (e) act alone or with other persons, either in partnership or otherwise.

1981 c. 67.

(5) The power of the Commission to acquire land includes power, if authorised by the Secretary of State, to purchase land compulsorily ; and the Acquisition of Land Act 1981 shall apply to any compulsory purchase by the Commission.

(6) The Secretary of State may make to the Commission out of money provided by Parliament grants of such amount and subject to such conditions as he may, with the approval of the Treasury, think fit.

(7) The Commission shall not give financial assistance to any person except in accordance with arrangements approved by the Secretary of State and the Treasury.

(8) The Secretary of State may give the Commission general directions as to the exercise of its functions, and the Commission shall comply with any such directions.

(9) Schedule 1 to this Act shall have effect.

Grants to regional development organisations.

2.—(1) The Secretary of State may out of money provided by Parliament make grants to any body within subsection (2) below for the purpose of assisting it to promote industrial or commercial development in the area with which it is concerned.

(2) The bodies referred to in subsection (1) above are—

- (a) the Devon and Cornwall Development Bureau ;
- (b) the North of England Development Council ;

- (c) the North West Industrial Development Association ;
- (d) the Yorkshire and Humberside Development Association ;
- (e) any other body, whether corporate or unincorporate, whose principal object appears to the Secretary of State to be the promotion of industrial or commercial development in an area in England.

(3) The Secretary of State shall obtain the consent of the Treasury before making a grant under this section to any body other than one named in subsection (2)(a) to (d) above.

(4) In making a grant under this section the Secretary of State may impose such conditions as he thinks fit, including in particular—

- (a) a condition requiring the recipient to keep proper accounts and records in respect of the application of the grant ;
- (b) a condition requiring the recipient to submit to the Secretary of State such periodic statements of accounts and reports relating to the application of the grant as the Secretary of State may direct ; and
- (c) a condition requiring the recipient to repay the whole or any part of the grant if any condition of the grant is not complied with.

(5) The Secretary of State shall lay before each House of Parliament a copy of every statement and report submitted to him in compliance with a condition of the kind described in subsection (4)(b) above.

3. There is hereby extinguished any liability to make payments in consequence of the fulfilment of the guarantees specified in the table below (which were given by the Treasury under the Colonial Loans Act 1949 in respect of loans by the International Bank for Reconstruction and Development).

Extinguishment of certain Zimbabwean debts.
1949 c. 50.

TABLE

<i>Date of guarantee</i>	<i>Particulars of loan guaranteed</i>
27th February 1952	Loan of an amount equivalent to \$28,000,000 to the Colony of Southern Rhodesia.
16th June 1958	Loan of an amount equivalent to \$19,000,000 to the Federation of Rhodesia and Nyasaland.
1st April 1960	Loan of an amount equivalent to \$5,600,000 to the Federation of Rhodesia and Nyasaland.

**Treasury
guarantees.**

4.—(1) In the enactments mentioned in Schedule 2 to this Act (which enable the Treasury to guarantee the repayment of the principal of, and the payment of interest on, sums borrowed by the bodies mentioned in the third column of that Schedule) for the words “and the payment of interest on” or “and the payment of any interest on” there shall be substituted the words “the payment of interest on and the discharge of any other financial obligation in connection with”.

1978 c. 2.

(2) In section 11(1) of the Commonwealth Development Corporation Act 1978 (Treasury guarantees in respect of sums borrowed by the Commonwealth Development Corporation) for the words “and the payment of interest and other charges on” there shall be substituted the words “the payment of interest on and the discharge of any other financial obligation in connection with”.

1979 c. 11.

(3) In section 25 of the Electricity (Scotland) Act 1979 (Treasury guarantees in respect of sums borrowed by Electricity Boards)—

- (a) in subsection (1), for the words from “payment of” to the end there shall be substituted the words “repayment of the principal of, the payment of interest on and the discharge of any other financial obligation in connection with any loan proposed to be raised by either Board”; and
- (b) in subsection (3), after the word “of” in the fourth place where it occurs there shall be inserted the words “, and any other financial obligation in connection with.”.

1980 c. 63.

(4) In section 8 of the Overseas Development and Co-operation Act 1980 (Treasury guarantees in respect of certain loans made by the International Bank)—

- (a) in subsection (1), for the words “and the payment of the interest on and other charges in respect of” there shall be substituted the words “the payment of interest on and the discharge of any other financial obligation in connection with”;
- (b) in subsection (5)(d)(i), for the words “charges in respect of” there shall be substituted the words “payments in discharge of financial obligations in connection with”;
- (c) in subsection (6), for the words “other charges in respect of” there shall be substituted the words “the discharge of any other financial obligation in connection with”.

1981 c. 64.

(5) In section 62(1) of the New Towns Act 1981 (Treasury guarantees in respect of sums borrowed by a development corporation or the Commission for the New Towns) for paragraphs (a) and (b) there shall be substituted the words “the

repayment of the principal of, the payment of interest on and the discharge of any other financial obligation in connection with”.

5. In section 3(2) of the Crown Estate Act 1961 (restriction on term for which a lease may be granted by Crown Estate Commissioners) for the words “one hundred years” there shall be substituted the words “one hundred and fifty years”.

Power of Crown Estate Commissioners to grant leases.
1961 c. 55.

6.—(1) If the Treasury, in respect of an annuity to which this subsection applies—

Redemption of certain annuities.

(a) by notice in writing inform the person appearing to them to be entitled for the time being to receive the annuity that they propose to redeem it on a date specified in the notice (“the redemption date”), and

(b) tender to that person, not later than the redemption date, a payment calculated in accordance with subsection (7) below,

the annuity shall cease to be payable on the redemption date.

(2) Subsection (1) above applies to any annuity not exceeding £2,000 a year for the redemption of which the Treasury may contract under section 2 of the Consolidated Fund (Permanent Charges Redemption) Act 1873 (and does not apply to an annuity first payable after the passing of that Act).

1873 c. 57.

(3) Where a person entitled by virtue of any hereditary office to receive an annuity to which subsection (1) above applies has the right, as holder of the office, to nominate another person to an office which carries an allowance charged on the Consolidated Fund, the amount of the annuity shall, for the purpose of calculating the payment referred to in that subsection, be taken to be increased by the amount of the allowance; and the allowance shall cease to be payable when the annuity ceases to be payable.

(4) The redemption date specified in a notice given under subsection (1) above shall not be later than fourteen days after the date on which the notice is served; and the notice may be served by post or in any other way.

(5) If, in respect of an annuity payable by virtue of any of the enactments specified in the first column of the table below, the Treasury pay and the person specified (in relation to that enactment) in the second column of the table accepts a sum calculated in accordance with subsection (7) below, the annuity shall cease to be payable.

TABLE

<i>Enactment by virtue of which annuity is payable</i>	<i>Person to whom payment is to be made</i>
Section 1 of the Prilage and But- lerage Act 1803 (c.156).	The Receiver General of the Duchy of Lancaster.
Section 3 of the Tin Duties Act 1838 (c.120).	The Receiver General of the Duchy of Cornwall.
Section 9 of the Greenwich Hos- pital Act 1869 (c.44).	The Secretary of State.

(6) Any payment accepted by the Secretary of State under subsection (5) above shall be credited to the Greenwich Hospital capital account with the Paymaster General.

(7) The sum to be paid in respect of an annuity under subsection (1) or (5) above shall be such as would, according to the average price of undated government stock at the end of the relevant day, purchase an amount of such stock yielding annual dividends equal to the amount of the annuity; and in this subsection—

“the relevant day”, in relation to subsection (1) above, means a day specified in the notice given under that subsection, being a day not more than seven days earlier than that on which the notice is served; and in relation to subsection (5) above, means a day agreed between the Treasury and the person to whom the payment is to be made; and

“undated government stock” means government stock, within the meaning of section 15(1) of the National Debt Act 1972, issued on terms which do not specify a date on or before which the stock is to be redeemed.

(8) Payments under this section shall be charged on and paid out of the Consolidated Fund.

7.—(1) Section 173A of the Local Government Act 1972 (which enables councillors to give notices opting for financial loss allowance instead of attendance allowance) shall be amended as follows.

(2) In subsection (3) (notices given within four weeks from election)—

(a) for the words “four weeks from” there shall be substituted the words “one month beginning with the day of”; and

(b) after the words “of the authority” there shall be inserted the words “then, subject to subsection (4A) below”.

(3) For subsections (4) to (6) (later notices, and notices of withdrawal) there shall be substituted—

“ (4) If a councillor gives a financial loss allowance notice to the local authority otherwise than in accordance

1972 c. 65.

Local
government
allowances.
1972 c. 70.

with subsection (3) above, then, subject to subsection (4A) below, he shall be entitled to receive financial loss allowance for the performance of any approved duty after the end of the period of one month beginning with the day on which the notice is given.

(4A) If a councillor who has given a local authority a financial loss allowance notice gives them notice in writing that he withdraws that notice, it shall not have effect in relation to any duty performed after the day on which the notice of withdrawal is given.”.

8. The enactments mentioned in Schedule 3 to this Act are Repeals. hereby repealed to the extent specified in the third column of that Schedule.

9.—(1) Sections 1 and 8 above (and Schedules 1 and 3) shall Commence- come into force on such day as the Secretary of State may ment. appoint by order made by statutory instrument; and an order under this subsection may appoint different days for different purposes.

(2) Except as provided in subsection (1) above this Act shall come into force at the end of the period of two months beginning with the day on which it is passed.

10.—(1) Sections 1 and 2 above, and Schedule 1 to this Act Extent. (except paragraph 12), shall not extend to Northern Ireland.

(2) Any amendment or repeal by section 4, 7 or 8 above of an enactment which does not extend throughout the United Kingdom shall extend only to the part of the United Kingdom to which the enactment amended or repealed extends.

(3) Subject to subsections (1) and (2) above, this Act extends to Northern Ireland.

(4) Section 5 of this Act extends to the Isle of Man so far as is material to any powers or duties of the Crown Estate Commissioners in the Isle of Man.

11. This Act may be cited as the Miscellaneous Financial Short title. Provisions Act 1983.

SCHEDULES

Section 1.

SCHEDULE 1

THE DEVELOPMENT COMMISSION

Status

1.—(1) The Commission shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and, subject to sub-paragraph (2) below, the Commission's property shall not be regarded as property of, or property held on behalf of, the Crown.

(2) Any land occupied by the Commission shall, for the purpose of any rate on property, be treated as if it were property occupied by or on behalf of the Crown for public purposes.

Membership

2.—(1) The Commission shall consist of not more than eight members appointed by Her Majesty by warrant under the sign manual, and one of those members shall be appointed as chairman.

(2) Subject to the following provisions of this Schedule, a person shall hold and vacate office as a member or as chairman of the Commission in accordance with the terms of his appointment.

(3) A person shall not hold office as a member of the Commission for more than five years under any one appointment, but a person who ceases or has ceased to be a member shall be eligible for reappointment.

(4) A person may at any time resign his office as a member or as chairman of the Commission.

(5) Sub-paragraph (1) above has effect subject to section 1(2) of this Act; and

(a) notwithstanding the provisions of that sub-paragraph, a member of the Commission who is immediately before the commencement of this Schedule the chairman of the Commissioners appointed under section 3 of the Development and Road Improvement Funds Act 1909 shall be the first chairman of the Commission; and

(b) a person who is a member by virtue of section 1(2) of this Act may, notwithstanding the restriction imposed by sub-paragraph (3) above, continue to hold office for the unexpired term of his appointment under the said section 3.

3.—(1) The Commission shall pay to its members such remuneration and allowances as the Secretary of State may, with the approval of the Treasury, determine.

(2) In the case of any such member or past member of the Commission as the Secretary of State may with the approval of the

Treasury determine, the Commission shall pay such pension, allowance or gratuity to or in respect of him, or make such payment towards the provision of such a pension, allowance and gratuity as the Secretary of State may so determine.

(3) Where a person ceases to be a member of the Commission, and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may with the approval of the Treasury direct the Commission to make to that person a payment of such amount as the Secretary of State may with that approval determine.

Staff

4.—(1) There shall be a chief officer of the Commission who shall be appointed by the Commission with the approval of the Secretary of State.

(2) The number of the Commission's employees, and the terms and conditions of their employment, shall be such as the Commission may, with the approval of the Secretary of State given with the consent of the Treasury, determine.

(3) The Commission may in the case of such of its employees as it may, with the approval of the Secretary of State given with the consent of the Treasury, determine—

- (a) pay such pensions, allowances or gratuities to or in respect of them as may be so determined ;
- (b) make such payments towards the provision of pensions, allowances or gratuities to or in respect of any of them as may be so determined ; or
- (c) provide and maintain such schemes (whether contributory or not) for the payment of pensions, allowances or gratuities to or in respect of them as may be so determined ;

and any scheme under this paragraph shall be so framed as to correspond, so far as is appropriate, with the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force. 1972 c. 11.

Proceedings and instruments

5.—(1) The Commission shall make rules of procedure requiring its members to disclose any interests that they may have in transactions effected or proposed by the Commission.

(2) The quorum of the Commission and, subject to sub-paragraph (1) above, its procedure shall be such as the Commission may determine.

6. The validity of any proceedings of the Commission shall not be affected by any defect in the appointment of a member or by a vacancy in the office of chairman.

7. A document purporting to be duly executed under the seal of the Commission or to be signed on behalf of the Commission shall, until the contrary is proved, be deemed to be a document so executed or issued.

SCH. 1

Committees

8. If the Commission appoints committees for the purpose of advising it on the discharge of its functions, any payments made by the Commission in respect of expenses or allowances to members of the committees who are not members of the Commission shall be such as the Commission may, with the approval of the Secretary of State given with the consent of the Treasury, determine.

Accounts and information

9.—(1) The Commission shall—

- (a) keep proper accounts and proper records in relation to the accounts ;
- (b) prepare in respect of each financial year a statement of accounts in such form as the Secretary of State may, with the approval of the Treasury, direct.

(2) The statement of accounts prepared by the Commission for each financial year shall be submitted to the Secretary of State at such time as he shall with the approval of the Treasury direct.

(3) The Secretary of State shall, on or before 30th November in any year, send to the Comptroller and Auditor General the statement of accounts prepared by the Commission under sub-paragraph (1) above for the financial year last ended.

(4) The Comptroller and Auditor General shall examine, certify and report on the statement of accounts sent to him under sub-paragraph (3) above and shall lay copies of the statement and of his report before each House of Parliament.

(5) In this paragraph “financial year” means the period beginning with the day on which this Schedule comes into force and ending with 31st March following that day and each successive period of twelve months.

10. The Commission shall provide the Secretary of State with such information relating to its activities or proposed activities as he may from time to time require, and shall permit any person authorised by the Secretary of State to inspect and make copies of its accounts, books, documents or papers.

11.—(1) As soon as possible after the end of each financial year (within the meaning of paragraph 9 above) the Commission shall make to the Secretary of State a report on the exercise of its functions during that year.

(2) The report for any financial year shall set out any direction given to the Commission by the Secretary of State under section 1(8) of this Act during that year.

(3) The Secretary of State shall lay before each House of Parliament a copy of every report made by the Commission under this paragraph.

House of Commons disqualification

SCH. 1

12. In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified under that Act), in the entry relating to the Development Commission, the words "established under the Development and Road Improvement Funds Act 1909" shall cease to have effect. 1975 c. 24.

Transfer of property etc.

13.—(1) On the day on which this Schedule comes into force all the property, rights and liabilities to which the Development Commissioners appointed under the Development and Road Improvement Funds Act 1909 ("the unincorporated Commission") were entitled or subject immediately before that day shall by virtue of this paragraph become property, rights and liabilities of the Commission. 1909 c. 47.

(2) This paragraph shall have effect to transfer to the Commission any rights and liabilities of the unincorporated Commission under contracts of employment.

(3) For the purpose of determining the length of service as an employee of the Commission of any person who becomes its employee by virtue of this paragraph, any service with the unincorporated Commission shall be treated as service with the Commission.

14. Every document referring to the unincorporated Commission shall be construed as if for that reference there were substituted, in relation to anything falling to be done or occurring on or after the day on which this Schedule comes into force, a reference to the Commission.

15. Anything done by or in relation to the unincorporated Commission and having effect immediately before the day on which this Schedule comes into force shall so far as is required for continuing its effect thereafter be treated as if it had been done by or in relation to the Commission; and in particular any legal proceedings then pending to which the unincorporated Commission is a party may be continued by or in relation to the Commission.

16. The Commission shall as soon as possible after the day on which this Schedule comes into force make to the Secretary of State a report on the proceedings of the unincorporated Commission since the end of the period for which the last report under section 4(6) of the Development and Road Improvement Funds Act 1909 was made; and the Secretary of State shall lay a copy of the report before each House of Parliament.

The development fund

17.—(1) The assets and liabilities, immediately before the day on which this Schedule comes into force, of the development fund established under section 2 of the Development and Road Improvement Funds Act 1909 shall on that day become assets and liabilities of the Commission.

SCH. 1

1909 c. 47.

(2) The reference in sub-paragraph (1) above to the assets of the development fund includes a reference to any right of the Secretary of State under the terms of an advance made under Part I of the Development and Road Improvement Funds Act 1909; and accordingly, so far as may be necessary for giving effect to this paragraph, any reference in those terms to the Secretary of State shall be construed as a reference to the Commission.

(3) The reference in sub-paragraph (1) above to the liabilities of the development fund is a reference to liabilities falling to be discharged by payments out of the development fund.

(4) The Secretary of State may with the approval of the Treasury give the Commission directions as to the application of any sums received by the Commission by virtue of this paragraph, and the Commission shall comply with any such directions.

18.—(1) The Secretary of State shall, not later than eight months after the day on which this Schedule comes into force, prepare and send to the Comptroller and Auditor General an account showing the receipts into and payments out of the development fund in the period between the end of the financial year for which the last account under section 2(4) of the Development and Road Improvement Funds Act 1909 was prepared and the day on which this Schedule comes into force.

(2) The Comptroller and Auditor General shall examine, certify and report on the account sent to him under sub-paragraph (1) above and shall lay copies of the statement and of his report before each House of Parliament.

SCHEDULE 2

Section 4.

TREASURY GUARANTEES

Act	Provision amended	Borrowers
The Coal Industry Nationalisation Act 1946 (c. 59).	Section 27(4).	The National Coal Board.
The Electricity Act 1957 (c. 48).	Section 17(1).	The Electricity Council, the Central Electricity Generating Board and Area Boards.
The Transport Act 1962 (c. 46).	Section 21(1).	The British Railways Board, the British Transport Docks Board, the British Waterways Board, the National Bus Company and the Scottish Transport Group.
The New Towns (Scotland) Act 1968 (c. 16).	Section 38A(1).	New town development corporations.
The Post Office Act 1969 (c. 48).	Section 38(1).	The Post Office.
The Gas Act 1972 (c. 60).	Section 22(1).	The British Gas Corporation.
The Water Act 1973 (c. 37).	Schedule 3, paragraph 36(1).	Water authorities and the National Water Council.
The Housing Act 1974 (c. 44).	Section 8(1).	The Housing Corporation.
The Industry Act 1975 (c. 68).	Schedule 2, paragraph 4(1).	The National Enterprise Board.
The Scottish Development Agency Act 1975 (c. 69).	Schedule 2, paragraph 6(1).	The Scottish Development Agency.
The Welsh Development Agency Act 1975 (c. 70).	Schedule 3, paragraph 6(1).	The Welsh Development Agency.
The Petroleum and Submarine Pipe-lines Act 1975 (c. 74).	Section 8(1).	The British National Oil Corporation.
The Airports Authority Act 1975 (c. 78).	Section 7(1).	The British Airports Authority.
The Development of Rural Wales Act 1976 (c. 75).	Section 10(1).	The Development Board for Rural Wales.
The Aircraft and Shipbuilding Industries Act 1977 (c. 3).	Section 13(1).	British Shipbuilders.
The British Airways Board Act 1977 (c. 13).	Section 11(1).	The British Airways Board.
The Local Government, Planning and Land Act 1980 (c. 65).	Schedule 21, paragraph 2(1).	The Land Authority for Wales.
The Local Government, Planning and Land Act 1980 (c. 65).	Schedule 31, paragraph 5(1).	Urban development corporations.

SCH. 2

Act	Provision amended	Borrowers
The English Industrial Estates Corporation Act 1981 (c. 13).	Section 5(1).	The English Industrial Estates Corporation.
The British Telecommunications Act 1981 (c. 38).	Section 29(1).	British Telecommunications.
The Civil Aviation Act 1982 (c. 16).	Section 14(1).	The Civil Aviation Authority.
The Iron and Steel Act 1982 (c. 25).	Section 21(1).	The British Steel Corporation.
The Local Government Finance Act 1982 (c. 32).	Schedule 3, paragraph 11(1).	The Audit Commission for Local Authorities in England and Wales.

SCHEDULE 3

Section 8.

ENACTMENTS REPEALED

Chapter	Short title	Extent of repeal
1 & 2 Vict. c. 120.	The Tin Duties Act 1838.	The whole Act.
32 & 33 Vict. c. 44.	The Greenwich Hospital Act 1869.	Section 9.
9 Edw. 7. c. 47.	The Development and Road Improvement Funds Act 1909.	Part I. Section 19. The Schedule.
10 Edw. 7 & 1 Geo. 5. c. 7.	The Development and Road Improvement Funds Act 1910.	The whole Act.
1 & 2 Geo. 5. c. 49.	The Small Landholders (Scotland) Act 1911.	In Schedule 1, the reference to the Development and Road Improvement Funds Acts 1909 and 1910.
6 & 7 Geo. 5. c. 38.	The Small Holding Colonies Act 1916.	In section 3, the words "or the Development and Road Improvement Funds Act, 1909,". In section 5(1), the words "or to be acquired".
9 & 10 Geo. 6. c. 49.	The Acquisition of Land (Authorisation Procedure) Act 1946.	In Schedule 4, the entries relating to the Development and Road Improvement Funds Act 1909.
9 & 10 Eliz. 2. c. 33.	The Land Compensation Act 1961.	Section 8(7)(b).
1963 c. 51.	The Land Compensation (Scotland) Act 1963.	Section 15(7)(b).
1972 c. 11.	The Superannuation Act 1972.	In Schedule 6, paragraph 4.
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Part II of Schedule 1, in the entry relating to the Development Commission, the words "established under the Development and Road Improvement Funds Act 1909".
1981 c. 13.	The English Industrial Estates Corporation Act 1981.	Section 3(a).

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