INDUSTRIAL ORGANISATION AND DEVELOPMENT

1952 No. 2238

The Clothing Industry Development Council (Dissolution) Order, 1952

Made - - - - 19*th December*, 1952
Coming into Operation 1*st January*, 1953

The Board of Trade in pursuance of the powers conferred upon them by section 8 of the Industrial Organisation and Development Act, 1947(**a**), hereby order as follows:—

Development Council to be wound up

1. The Clothing Industry Development Council (hereinafter called "the Council") shall be wound up and, after the 31st day of December, 1952, shall not exercise any of the functions assigned to them by the Clothing Industry Development Council Order, 1949(**b**), except so far as may be necessary for the beneficial winding up of the Council.

Appointment of liquidator

2.—(1) For the purpose of conducting the winding up of the Council and performing the duties specified in this Order, the Board of Trade may appoint a person to be liquidator of the Council who shall realise the assets of the Council and meet the liabilities thereof and the expenses of the winding up and do such other things as may be necessary for the proper winding up of the Council.

(2) A person appointed hereunder liquidator of the Council may resign or be removed by the Board of Trade.

(3) A vacancy in the office of liquidator of the Council shall be filled by the Board of Trade.

(4) The remuneration, if any, of the liquidator shall be fixed by the Board of Trade.

Custody of Council's property

3. The liquidator shall take into his custody or under his control all the property and things in action to which the Council is or appears to be entitled.

Powers of the liquidator

4.—(1) The liquidator in the course of winding up the Council shall have power, with the sanction of the Board of Trade,—

(*a*) to bring, defend or continue any action or other legal proceedings in the name and on behalf of the Council;

(*b*) to exercise in the name and on behalf of the Council any of their functions so far as may be necessary for the beneficial winding up thereof;

(*c*) to appoint a solicitor to assist him in the performance of his duties;

(*d*) to make any compromise or arrangement with creditors or persons claiming to be creditors, or having or alleging themselves to have any claim against the Council, or whereby the Council may be rendered liable;

(a) 10 & 11 Geo. 6. c. 40. (b) S.I. 1949/2124; 1949 I, p. 2348.

(*e*) to compromise all debts and liabilities capable of resulting in debts, and all claims subsisting or supposed to subsist between the Council and a debtor or other person apprehending liability to the Council, and all questions in any way relating to or affecting the assets or the winding up of the Council, on such terms as may be agreed, and take any security for the discharge of any such debt, liability or claim and give a complete discharge in respect thereof.

(2) The liquidator, in the course of winding up the Council, shall have power—

(*a*) to sell the real and personal property and things in action of the Council by public auction or private contract, with power to transfer the whole thereof to any person or company or to sell the same in parcels ;

(*b*) to do all acts and to execute, in the name and on behalf of the Council, all deeds, receipts and other documents, and for that purpose to use, when necessary, the Council's seal ;

(*c*) to draw, accept, make and indorse any bill of exchange or promissory note in the name and on behalf of the Council, with the same effect with respect to the liability of the Council as if the bill or note had been drawn, accepted, made or indorsed by or on behalf of the Council in the exercise of their functions ;

(*d*) to raise on the security of the assets of the Council any money requisite ;

(*e*) to appoint an agent to do any business which the liquidator is unable to do himself ;

(*f*) to do all such other things as may be necessary for the winding up of the affairs of the Council.

Provisions relating to debts and claims

5.—(1) Every creditor of the Council shall notify the liquidator in writing before the 1st day of February, 1953, of each of his debts or claims against the Council and shall give to the liquidator such further information in relation thereto as the liquidator may reasonably require:

Provided that the provisions of this paragraph shall not apply to any debt or claim that is the subject of an action or other legal proceedings which have been commenced against the Council before the coming into operation of this Order.

(2) The Board of Trade may, on written application being made to them in that behalf by a creditor, notwithstanding that the said date has passed, fix a later date for the purposes of the preceding paragraph in relation to that creditor, being a date not later than the 1st day of May, 1953, in any case in which the Board of Trade are satisfied that there is or was reasonable ground for not notifying the liquidator in accordance with the provisions of that paragraph.

(3) Every creditor, in the notification given to the liquidator in pursuance of paragraph (1) of this Article, shall state the amount of the debt or claim, or, where the debt or claim is subject to a contingency or sounds only in damages or for some other reason does not bear a certain value, shall include therein, so far as is possible, a just estimate of the debt or claim.

(4) The liquidator shall examine each debt or claim notified to him in accordance with the provisions of this Article, and shall notify the creditor in writing whether he admits or rejects it in whole or in part.

(5) If the liquidator thinks that a debt or claim has been improperly admitted in whole or in part, he may thereupon reject the whole or that part as the case may be.

If the liquidator rejects a debt or claim in whole or in part he shall in writing to the creditor the grounds of the rejection.

of actions

6. [illegible]ction or other legal proceedings shall be commenced, in respect of any debt or claim or any part thereof against the Council, after the coming into operation of this Order unless—

(*a*) that debt or claim has been notified to the liquidator in accordance with the provisions of the last preceding Article ;

(*b*) that debt or claim or that part has been rejected by the liquidator ; and

(*c*) not more than two months have elapsed since the liquidator stated to the creditor the grounds of the rejection.

Payment of liabilities and expenses

7. The liquidator shall meet the liabilities of the Council and the expenses of the winding up out of the assets of the Council, insofar as they are sufficient, and shall meet the balance, if any, of such liabilities and expenses out of the proceeds of a charge or charges to be imposed under Article 8 hereof.

Power to impose charges

8.—(1) If the assets of the Council are insufficient to meet their liabilities and the expenses of the winding up, the liquidator may, in the name and on behalf of the Council and with the approval of the Board of Trade, impose a charge or charges on persons carrying on business comprising any of the designated activities.

(2) The provisions of Articles 6, 8, 9 and 10 of the Clothing Industry Development Council Order, 1949, shall apply, in relation to any charge imposed under the authority of the preceding paragraph, as if they were herein set out subject to the following modifications, that is to say,—

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

(*b*) the omission of head (*a*) of paragraph (3), and paragraph (4), of Article 6, and paragraph (2) of Article 8 ; and

(*c*) except in head (*c*) of paragraph (5) of Article 6, the substitution for references to the Council of references to the liquidator acting in the name and on behalf of 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 monies

9.—(1) The liquidator shall from time to time pay any monies of the Council, which he is satisfied are not, and will not be, required for the purposes of meeting the liabilities of the Council or the expenses of the

winding up, into the Clothing Industry Development Council (Dissolution) Deposit Account being an account opened by Her Majesty's Paymaster General on behalf of the Board of Trade.

(2) On application being made to them by the liquidator, the Board of Trade may, if they are satisfied that any monies in the said account are required for the purpose of meeting the liabilities of the Council or expenses of the winding up, make payments thereout to the liquidator for that purpose.

(3) On the completion of the winding up the liquidator shall pay all remaining monies of the Council into the said account.

(4) The Board of Trade may from time to time make payments out of the said account for purposes connected with the industry for which the Council was established, being purposes specified in the Schedule hereto.

(5) The Board of Trade shall, in respect of each financial year, prepare an account of sums paid into the Clothing Industry Development Council (Dissolution) Deposit Account and of payments made by them from that account; each such account shall be audited in such manner as may be determined by the Board of Trade in consultation with the Treasury and a copy of each such audited account shall be laid before Parliament.

Keeping and production of books, etc.

10. The liquidator shall, for the purposes of the winding up, keep such books and other documents and records as the Board of Trade may from time to time direct, and shall, at such times as the Board of Trade may direct, produce for examination by or on behalf of the Board of Trade such books and other documents and records kept by him as aforesaid and such books and other documents and records of the Council as the Board of Trade may direct.

Furnishing of information

11. The liquidator shall furnish to the Board of Trade such information relating to the winding up as the Board of Trade may from time to time direct.

Liquidator's accounts

12.—(1) The liquidator shall, during the course of the winding up, prepare and submit to the Board of Trade, in relation to the winding up, such accounts in such form and at such times as the Board of Trade may from time to time direct; and on the completion thereof shall prepare and submit to the Board of Trade a final account in such form as the Board of Trade may direct showing how the winding up has been conducted.

(2) The Board of Trade shall lay a copy of the final account before Parliament.

Disposal of books, etc.

13. On the Board of Trade being satisfied that the winding up has been duly completed, the liquidator shall transfer to the Board of Trade all books and other documents and records kept by him for the purposes of the winding up and all books and other documents and records of the Council.

Release of the liquidator

14.—(1) The Board of Trade, on being satisfied that the winding up has been duly completed, shall release the liquidator, and such release shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the Council or otherwise in relation to his conduct as liquidator.

(2) Where the liquidator has not previously resigned or been removed, his release shall operate as a removal of him from his office.

Dissolution of the Council

15.—(1) The Board of Trade shall, on being satisfied that the winding up has been duly completed, cause a notice to be published in the London Gazette to that effect and to the effect that on the date of the publication of the notice the Council is dissolved.

(2) The Council shall, on the said date and by virtue of this Order, be dissolved.

Interpretation and revocation

16.—(1) In this Order—

" claim " includes a claim present or future, certain or contingent, ascertained or sounding only in damages ;

" debt " includes a debt payable on a contingency ;

" designated activities " has the meaning assigned thereto in paragraph (1) of Article 1 of the Clothing Industry Development Council Order, 1949.

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

(3) The Clothing Industry Development Council Order, 1949(b), shall, on the date of the dissolution of the Council and by virtue of this Order, be revoked.

Citation and commencement

17. This Order may be cited as the Clothing Industry Development Council (Dissolution) Order, 1952, and shall come into operation on the 1st day of January, 1953.

Dated this 19th day of December, 1952.

Henry Strauss,
Parliamentary Secretary to the
Board of Trade.

SCHEDULE

Article 9

Specified purposes

1. Promotion of export trade.
2. Improvement of quality and design.
3. The collection and formulation of statistics.
4. The training of persons engaged or proposing engagement in the industry.
5. Research into economic and industrial factors affecting the production, marketing and distribution of products of the industry, and making available the information obtained.
6. Inquiry as to existing and new materials, equipment and methods of production, and making available the information obtained.
7. Advising individual undertakings as to methods of increasing efficiency and productivity.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order provides for the winding up and dissolution of the Clothing Industry Development Council, for the revocation of the Clothing Industry Development Council Order, 1949, and for the application of surplus monies of the Council for certain specified purposes.

(a) 52 & 53 Vict. c. 63. (b) S.I. 1949/2124; 1949 I, p. 2348.