CHAPTER 15

An Act to make provision as to the areas in which the Colonial Development Corporation may operate, and to increase the sums which may be borrowed by the Corporation or advanced to them by the Secretary of State. [13th March, 1958]

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:—

Amendments as to areas in which Colonial Development Corporation may operate.

1.—(1) For the purposes of the Overseas Resources Development Acts, 1948 to 1956, the expression "colonial territory" shall not include any country or territory which becomes or has become an independent sovereign country, or which for the time being forms part of an independent sovereign country or is administered by the government of any such country outside the United Kingdom.

(2) Where a country or territory ceases or has ceased to be a colonial territory, that shall not affect the powers exercisable by the Colonial Development Corporation in or in relation to the country or territory for any purpose for which the approval of the Secretary of State had been obtained while it was a colonial territory, except that the Corporation shall not apply to any such purpose any capital sum in excess of the amount for which the approval of the Secretary of State had been so obtained and such further amounts, if any, as are shown to his satisfaction to be expedient:

Provided that where it appears to the Secretary of State to be expedient for the powers exercisable by the Corporation by virtue of this subsection in or in relation to any country or territory to

be enlarged by modifying or extending any such purpose as aforesaid, he may approve the modification or extension notwithstanding that the country or territory is no longer a colonial territory, and this subsection shall apply as if that approval had been obtained while it was a colonial territory.

(3) The Colonial Development Corporation may undertake, in or in relation to any Commonwealth country which is not a colonial territory, or any territory administered by the government of such a country, to act as managing agents or perform advisory functions for any purpose for which they could do so in a colonial territory, and having undertaken to act as managing agents or perform advisory functions for any purpose in or in relation to any country or territory by virtue of this subsection the Corporation may exercise in that behalf the same powers as in the case of a colonial territory:

Provided that, except as may be agreed between the Corporation and the Secretary of State in relation to the performance of advisory functions—

(*a*) the Corporation shall not undertake under this subsection to act for any purpose in or in relation to any country or territory without the prior approval of the Secretary of State given by agreement with the government of that country or the government by which that territory is administered, as the case may be; and

(*b*) the Corporation shall make for any services rendered by them in the exercise of the powers conferred by this subsection charges estimated to be not less than sufficient to defray any additional expense falling on them by reason of their rendering those services.

(4) The agreement required by proviso (*a*) to subsection (3) of this section to approval of activities in or in relation to any part of a country which has a central government, but comprises separate provinces, states or other territories having their own governments in addition to the central government, shall be agreement with the central government.

11 & 12 Geo. 6. c. 15.

(5) Section seven of the Overseas Resources Development Act, 1948 (which imposes certain obligations on the Corporation in determining their policy as to the activities to be carried on by them in any territory and as to the manner in which the activities are to be carried on), shall not apply to any activity of the Corporation under subsection (2) or (3) of this section; but the Secretary of State may direct the Corporation to cease any activity under subsection (3), and the Corporation shall comply with any such direction.

(6) The Secretary of State shall not make any agreement with the Corporation under subsection (3) of this section, or give any approval under subsection (3) or direction under subsection (5) of this section, except with the consent of the Treasury.

Borrowing by and advances to Colonial Development Corporation.

2.—(1) The Colonial Development Corporation may exercise the power to borrow conferred by section eleven of the Overseas Resources Development Act, 1948, so as to have outstanding at any time in respect of sums borrowed otherwise than temporarily an aggregate amount up to, but not exceeding, the sum of one hundred and fifty million pounds (instead of the one hundred million pounds laid down by paragraph (*b*) of subsection (3) of that section).

(2) The power of the Secretary of State, with the consent of the Treasury, to make advances to the Colonial Development Corporation under section twelve of the Overseas Resources Development Act, 1948, shall extend to the making of advances up to amounts such that the aggregate outstanding at any time in respect of advances under that section shall not exceed one hundred and thirty million pounds (instead of the one hundred million pounds laid down by subsection (1) of that section).

Short title, citation and repeal.

3.—(1) This Act may be cited as the Overseas Resources Development Act, 1958, and this Act and the Overseas Resources Development Acts, 1948 to 1956, may be cited together as the Overseas Resources Development Acts, 1948 to 1958.

(2) Subsection (4) of section three of the Ghana Independence Act, 1957, is hereby repealed. 5 & 6 Eliz. 2. c. 6.

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