



# Crown Agents Act 1979

## 1979 CHAPTER 43

### *The Crown Agents for Oversea Governments and Administrations*

#### **1 Reconstitution of Crown Agents as body corporate.**

- (1) On such day as the Minister may by order appoint (in this Act referred to as “the appointed day”)—
  - (a) there shall come into being a body corporate named the Crown Agents for Oversea Governments and Administrations which shall function under and in accordance with the provisions of this Act; and
  - (b) the term of office of each of the unincorporated Agents shall expire, but without prejudice to his eligibility for appointment under this section to membership of the Crown Agents for a term of office beginning on that day.
- (2) In this Act—
  - (a) “the Crown Agents” means the body corporate established by this section;
  - (b) “the unincorporated Agents” means the persons for the time being holding office under the Crown as Crown Agents for Oversea Governments and Administrations; and
  - (c) “the Minister” means the Minister of Overseas Development.
- (3) The Crown Agents shall consist of not less than six nor more than ten members appointed by the Minister; and the Minister shall appoint one member to be the chairman, and another member to be the deputy chairman, of the Crown Agents.
- (4) Any appointment under subsection (3) may be on either a full-time or a part-time basis.
- (5) The Crown Agents, despite their name—
  - (a) are to be regarded as agents of the Crown only in so far as they act as agents of the Crown by virtue of any provision of this Act expressly authorising them to do so; and
  - (b) are not to be regarded as servants of the Crown or as enjoying any status, privilege or immunity of the Crown,

*Changes to legislation: There are currently no known outstanding effects for the Crown Agents Act 1979. (See end of Document for details)*

and their property is not to be regarded as property of, or held on behalf of, the Crown; but nothing in this Act shall be taken to derogate from any privilege, immunity or exemption of the Crown in relation to any matter as respects which the Crown Agents act as agents of the Crown by virtue of any such provision as is mentioned in paragraph (a).

(6) Schedule 1 shall have effect with respect to the Crown Agents.

<sup>F1</sup>(7) .....

.....

**Textual Amendments**

**F1** S. 1(7) repealed (21.3.1997) by 1995 c. 24, s. 13(2), **Sch. 2 Pt. I** (with saving in s. 11(8)); S.I. 1997/1139, **art. 2**

.....

**Modifications etc. (not altering text)**

**C1** Power of appointment conferred by s. 1(1) fully exercised: 1.1.1980 appointed day for the purposes of the Act by S.I. 1979/1672

**C2** S. 1(3) amended (*temp.* from 21.3.1997) by 1995 c. 24, **s. 8(2)(a)**; S.I. 1997/1139, **art. 2**

<sup>F2</sup>2 .....

.....

**Textual Amendments**

**F2** S. 2 repealed (21.3.1997) by 1995 c. 24, s. 13(2), **Sch. 2 Pt. I** (with saving in s. 11(8)); S.I. 1997/1139, **art. 2**

<sup>F3</sup>3 .....

.....

**Textual Amendments**

**F3** S. 3 repealed (21.3.1997) by 1995 c. 24, s.13(2), **Sch. 2 Pt. I** (with saving in s. 11(8)); S.I. 1997/1139, **art. 2**

<sup>F4</sup>4 .....

.....

**Textual Amendments**

**F4** S. 4 repealed (21.3.1997) by 1995 c. 24, s. 13(2), **Sch. 2 Pt. I** (with saving in s. 11(8)); S.I. 1997/1139, **art. 2**

<sup>F5</sup>5 .....

*Changes to legislation: There are currently no known outstanding effects for the Crown Agents Act 1979. (See end of Document for details)*

**Textual Amendments**

**F5** S. 5 repealed (21.3.1997) by 1995 c. 24, s. 13(2), **Sch. 2 Pt. I** (with saving in s. 11(8)); S.I. 1997/1139, **art. 2**

**F6** .....

**Textual Amendments**

**F6** S. 6 repealed (21.3.1997) by 1995 c. 24, s. 13(2), **Sch. 2 Pt. I** (with saving in s. 11(8)); S.I. 1997/1139, **art. 2**

**F7** .....

**Textual Amendments**

**F7** S. 7 repealed (21.3.1997) by 1995 c. 24, s. 13(2), **Sch. 2 Pt. I** (with saving in s. 11(8)); S.I. 1997/1139, **art. 2**

**F8** .....

**Textual Amendments**

**F8** S. 8 repealed (21.3.1997) by 1995 c. 24, s. 13(2), **Sch. 2 Pt. I** (with saving in s. 11(8) and as saved subject to an amendment by S.I. 2001/1149, art. 3(2), **Sch. 2** (with art. 4(11)); S.I. 1997/1139, **art. 2**

**F9** .....

**Textual Amendments**

**F9** S. 9 repealed (21.3.1997) by 1995 c. 24, s. 13(2), **Sch. 2 Pt. I** (with saving in s. 11(8)); S.I. 1997/1139, **art. 2**

**F10** .....

**Textual Amendments**

**F10** S. 10 repealed (21.3.1997) by 1995 c. 24, s. 13(2), **Sch. 2 Pt. I** (with saving in s. 11(8)); S.I. 1997/1139, **art. 2**

*Changes to legislation: There are currently no known outstanding effects for the Crown Agents Act 1979. (See end of Document for details)*

<sup>F11</sup>11 .....

**Textual Amendments**  
**F11** S. 11 repealed (21.3.1997) by 1995 c. 24, s. 13(2), **Sch. 2 Pt. I** (with savings in ss. 10(1), 11(8)); S.I. 1997/1139, **art. 2**

<sup>F12</sup>12 .....

**Textual Amendments**  
**F12** S. 12 repealed (21.3.1997) by 1995 c. 24, s. 13(2), **Sch. 2 Pt. I** (with saving in s. 11(8)); S.I. 1997/1139, **art. 2**

*Financial provisions*

<sup>F13</sup>13 .....

**Textual Amendments**  
**F13** S. 13 repealed (21.3.1997) by 1995 c. 24, s. 13(2), **Sch. 2 Pt. I** (with saving in s. 11(8)); S.I. 1997/1139, **art. 2**

<sup>F14</sup>14 .....

**Textual Amendments**  
**F14** S. 14 repealed (21.3.1997) by 1995 c. 24, s. 13(2), **Sch. 2 Pt. I** (with saving in s. 11(8)); S.I. 1997/1139, **art. 2**

<sup>F15</sup>15 .....

**Textual Amendments**  
**F15** S. 15 repealed (21.3.1997) by 1995 c. 24, s. 13(2), **Sch. 2 Pt. I** (with saving in s. 11(8)); S.I. 1997/1139, **art. 2**

<sup>F16</sup>16 .....

*Changes to legislation: There are currently no known outstanding effects for the Crown Agents Act 1979. (See end of Document for details)*

**Textual Amendments**

**F16** S. 16 repealed (21.3.1997) by 1995 c. 24, s. 13(2), **Sch. 2 Pt. I** (with saving in s. 11(8)); S.I. 1997/1139, **art. 2**

**F17** **17** .....

**Textual Amendments**

**F17** S. 17 repealed (21.3.1997) by 1995 c. 24, s. 13(2), **Sch. 2 Pt. I** (with saving in s. 11(8)); S.I. 1997/1139, **art. 2**

**F18** **18** .....

**Textual Amendments**

**F18** S. 18 repealed (21.3.1997) by 1995 c. 24, s. 13(2), **Sch. 2 Pt. I** (with saving in s. 11(8)); S.I. 1997/1139, **art. 2**

**F19** **19** .....

**Textual Amendments**

**F19** S. 19 repealed (21.3.1997) by 1995 c. 24, s. 13(2), **Sch. 2 Pt. I** (with saving in s. 11(8)); S.I. 1997/1139, **art. 2**

**F20** **20** .....

**Textual Amendments**

**F20** S. 20 repealed (21.3.1997) by 1995 c. 24, s. 13(2), **Sch. 2 Pt. I** (with saving in s. 11(8)); S.I. 1997/1139, **art. 2**

**F21** **21** .....

**Textual Amendments**

**F21** S. 21 repealed (21.3.1997) by 1995 c. 24, s. 13(2), **Sch. 2 Pt. I** (with saving in s. 11(8)); S.I. 1997/1139, **art. 2**

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*Changes to legislation: There are currently no known outstanding effects for the Crown Agents Act 1979. (See end of Document for details)*

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F22 **22** .....

**Textual Amendments**

**F22** S. 22 repealed (21.3.1997) by 1995 c. 24, s. 13(2), **Sch. 2 Pt. I** (with savings in ss. 10(2), 11(8)); S.I. 1997/1139, **art. 2**; (Words in s. 22(2)(6) subsequently substituted (6.4.2008) by S.I. 2008/948, Sch. 1 paras. 1(s), 46 (with arts. 6, 11, 12))

F23 **23** .....

**Textual Amendments**

**F23** S. 23 repealed (21.3.1997) by 1995 c. 24, s. 13(2), **Sch. 2 Pt. I** (with saving in s. 11(8)); S.I. 1997/1139, **art. 2**

F24 **24** .....

**Textual Amendments**

**F24** S. 24 repealed (21.3.1997) by 1995 c. 24, s. 13(2), **Sch. 2 Pt. I** (with saving in s. 11(8)); S.I. 1997/1139, **art. 2**

*The Crown Agents Holding and Realisation Board*

**25 The Crown Agents Holding and Realisation Board.**

- (1) On the appointed day there shall come into being a body corporate named the Crown Agents Holding and Realisation Board (in this Act referred to as “the Board”) which shall function under and in accordance with the provisions of this section and Schedule 5 and such of the other provisions of this Act as (by virtue of that Schedule or otherwise) apply in relation to the Board.
- [<sup>F25</sup>(2) The Board shall consist of not less than two nor more than ten members appointed by the Secretary of State; and the Secretary of State shall appoint one member to be the chairman, and another member to be the deputy chairman, of the Board.]
- (3) Subject to the provisions of Schedule 5, it shall be the duty of the Board, acting in accordance with such instructions as may from time to time be given by the Minister under paragraph 21 of that Schedule—
  - (a) to secure the realisation of the Board’s assets and the assets of the Board’s subsidiaries and the application of the proceeds in or towards discharging the liabilities of the Board and their subsidiaries;
  - (b) to secure that while any particular asset of the Board or any of the Board’s subsidiaries remains unrealised, it is held and managed as advantageously as is consistent with its eventual realisation; and
  - (c) to discharge the liabilities of the Board and of each of their subsidiaries so far as not discharged in pursuance of paragraph (a).

*Changes to legislation: There are currently no known outstanding effects for the Crown Agents Act 1979. (See end of Document for details)*

- (4) The Board are not to be regarded as servants or agents of the Crown or as enjoying any status, privilege or immunity of the Crown, and their property is not to be regarded as property of, or held on behalf of, the Crown.
- (5) Schedule 5 shall have effect with respect to the Board, their powers and duties, and their eventual dissolution.

**Textual Amendments**

**F25** S. 25(2) substituted (21.3.1997) by 1995 c. 24, s. 11(1)(2); S.I. 1997/1139, art. 2

**26 Position with respect to recoverable grants paid to unincorporated Agents.**

- (1) The liability of the unincorporated Agents to make, at the direction of the Minister, repayments in respect of the sums totalling £175 million paid to them by the Minister by way of recoverable grant (that is to say the sums of £85 million and £90 million so paid on 24th December 1974 and 28th March 1978 respectively) shall cease on the day before the appointed day, and shall accordingly not become a liability of the Crown Agents or the Board.
- (2) If for any accounting year—
  - (a) there is an excess of revenue of the Board over the total sums properly chargeable by the Board to revenue account; and
  - (b) under paragraph 14(2) of Schedule 5 the Minister has power to direct the Board to pay the whole or a part of that excess into the Consolidated Fund,then, in deciding whether to give the Board such a direction, the Minister shall have regard to the fact that the sum of £175 million mentioned in subsection (1) would have been recoverable at his direction but for that subsection.

*Miscellaneous and general*

**27 Exemptions.**

- (1) The Board and every wholly owned subsidiary of the Board shall be exempt from corporation tax.
- <sup>F26</sup>(2) .....
- (3) <sup>M1</sup>The provisions of the Moneylenders Act 1900 to 1927 and the Moneylenders Acts (Northern Ireland) 1900 to 1969 shall not apply—
  - (a) to <sup>F27</sup>...the Board; or
  - (b) to any body corporate the whole of whose issued share capital is held by or on behalf of the Board.

**Textual Amendments**

**F26** S. 27(2) repealed (21.3.1997) by 1995 c. 24, s. 13(2), Sch. 2 Pt. I (with saving in s. 11(8)); S.I. 1997/1139, art. 2

**F27** Words in s. 27(3) repealed (21.3.1997) by 1995 c. 24, s. 13(2), Sch. 2 Pt. I (with saving in s. 11(8)); S.I. 1997/1139 art. 2

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*Changes to legislation: There are currently no known outstanding effects for the Crown Agents Act 1979. (See end of Document for details)*

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### Marginal Citations

**M1** 1947 c. 14.

<sup>F28</sup>**28** .....

### Textual Amendments

**F28** S. 28 repealed (21.3.1997) by 1995 c. 24, s. 13(2), **Sch. 2 Pt. I** (with saving in s. 11(8)); S.I. 1997/1139, **art. 2**

## 29 Administrative expenses.

Any administrative expenses incurred by the Minister in connection with the provisions of this Act shall be defrayed out of money provided by Parliament.

## 30 Orders, regulations and consents.

- (1) An order or regulations made by the Minister under any provision of this Act—
  - (a) may make different provision in relation to different cases or circumstances;
  - (b) may make the consent or approval of the Minister material for the purposes of any provision of the order or regulations; and
  - (c) may contain such supplementary, incidental and transitional provisions as appear expedient to the Minister.
- (2) Any power of the Minister to make an order under any provision of this Act shall be exercisable by statutory instrument.
- (3) Any order made under any provision of this Act, except—
  - (a) an order under section 1(1) <sup>F29</sup> . . . or paragraph 24(2) of Schedule 5; and
  - (b) an order which is required to be laid before Parliament or the House of Commons in draft,
 shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Any consent given by the Minister under this Act—
  - (a) may be given either generally or so as to apply only to the doing of specified things by or in relation to specified persons;
  - (b) may, if given generally, be revoked by the Minister; and
  - (c) may in any case be given either unconditionally or subject to such conditions as the Minister thinks fit.
- (5) Where any body corporate is given power by or under this Act to do something only with the consent of the Minister, then, if that consent is given subject to conditions, the body corporate shall not have power to do anything by virtue of that consent except in accordance with the conditions.



*Changes to legislation: There are currently no known outstanding effects for the Crown Agents Act 1979. (See end of Document for details)*

### Textual Amendments

**F29** Words in s. 30(3)(a) repealed (21.3.1997) by 1995 c. 24, s. 13(2), **Sch. 2 Pt. I** (with saving in s. 11(8)); S.I. 1997/1139, **art. 2**

## 31 Interpretation.

(1) In this Act—

“accounting year” means, <sup>F30</sup> . . . a period of twelve months ending with the 31st December in any year;

“the appointed day” means the day appointed by the Minister under section 1(1);

“the Board” means the Crown Agents Holding and Realisation Board;

<sup>F30</sup> . . .

“the Crown Agents” means the body corporate established by section 1;

<sup>F30</sup> . . .

“functions” includes powers and duties;

“the Minister” means the Minister of Overseas Development;

“pension”, in relation to any person, means a pension, whether contributory or not, of any kind whatever payable to or in respect of him, and includes an allowance or a gratuity so payable (whether on retirement or otherwise) and a return of contributions to a pension fund or of insurance premiums, with or without interest or any other addition;

“performance”, in relation to functions, includes the exercise of powers as well as the performance of duties, and “perform” shall be construed accordingly;

“regulations” means regulations made by the Minister with the approval of the Treasury;

<sup>F30</sup> . . .

“subsidiary” shall be construed in accordance with [<sup>F31</sup>section 736 of the Companies Act 1985]or [<sup>F32</sup>Article 4 of the Companies (Northern Ireland) Order 1986], and “wholly owned subsidiary” shall be construed in accordance with [<sup>F33</sup>[<sup>F34</sup>section 736(2)]of the Companies Act 1985]or [<sup>F35</sup>[<sup>F36</sup>Article 4(2)]of that Order of 1986];

“the unincorporated Agents” has the meaning given by section 1(2)(b).

<sup>F37</sup>(2) . . . . .

<sup>F37</sup>(3) . . . . .

(4) Any provision of this Act conferring a power to give directions or instructions shall be construed as imposing, on any person to whom directions or instructions are given thereunder, a duty to comply with those directions or instructions.

### Subordinate Legislation Made

**P1** **S. 31**: for exercise of this power before 1.2.1991 see Index to Government Orders

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*Changes to legislation: There are currently no known outstanding effects for the Crown Agents Act 1979. (See end of Document for details)*

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#### Textual Amendments

- F30** Words in s. 31(1) repealed (21.3.1997) by 1995 c. 24, s. 13(2), **Sch. 2 Pt. I** (with saving in s. 11(8)); S.I. 1997/1139, **art. 2**
- F31** Words substituted by **Companies Consolidation (Consequential Provisions) Act 1985** (c. 9, SIF 27) s.30, **Sch. 2**
- F32** Words substituted by S.I. 1986/1035 (N.I. 9), art. 23, **Sch. 1 Pt. II**
- F33** Words substituted by **Companies Consolidation (Consequential Provisions) Act 1985** (c. 9, SIF 27), s. 30, **Sch. 2**
- F34** Words substituted by **Companies Act 1989** (c. 40, SIF 27), s. 144(4), **Sch. 18 para. 21**
- F35** Words substituted by S.I. 1986/1035 (N.I. 9), art. 23, **Sch. 1 Pt. II**
- F36** Words in s. 31(1) substituted (N.I.) (20.5.1991) by S.I. 1990/1504 (N.I. 10), art. 62(4), **Sch. 3 para. 9**; S.R. 1991/153, **art. 2(a)**
- F37** S. 31(2)(3) repealed (21.3.1997) by 1995 c. 24, s. 13(2), **Sch. 2 Pt. I** (with saving in s. 11(8)); S.I. 1997/1139, **art. 2**

### 32 Consequential amendments, transitional provisions and repeals.

- (1) The enactment mentioned in Part I of Schedule 6 shall have effect as from the appointed day subject to the amendments there specified (being amendments consequential on the provisions of this Act).
- (2) This Act shall have effect subject to the transitional provisions contained in Part II of Schedule 6.
- (3) The enactments mentioned in Schedule 7 are hereby repealed as from the appointed day to the extent specified in the third column of that Schedule.

#### Modifications etc. (not altering text)

- C3** The text of s. 32(1)(3), sch. 6 Pt. I, sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### 33 Citation and extent.

- (1) This Act may be cited as the Crown Agents Act 1979.
- (2) This Act extends to Northern Ireland.

**Changes to legislation:**

There are currently no known outstanding effects for the Crown Agents Act 1979.