



Industry Act 1975

1975 CHAPTER 68

PART II

POWERS IN RELATION TO TRANSFERS OF CONTROL OF IMPORTANT MANUFACTURING UNDERTAKINGS TO NON-RESIDENTS

12 Meaning of " change of control "

- (1) There is a change of control of an important manufacturing undertaking for title purposes of this Part of this Act only upon the happening of a relevant event.
- (2) In subsection (1) above " relevant event " means any event as a result of which—
 - (a) the person carrying on the whole or part of the under taking ceases to be resident in the United Kingdom ;
 - (b) a person not resident in the United Kingdom acquires the whole or part of the undertaking;
 - (c) a body corporate resident in the United Kingdom but controlled by a person not so resident acquires the whole or part of the undertaking ;
 - (d) a person not resident in the United Kingdom becomes able to exercise or control the exercise of the first, second or third qualifying percentage of votes in a body corporate carrying on the whole or part of the undertaking or in any other body corporate which is in control of such a body; or
 - (e) a person resident in the United Kingdom and able to exercise or control the exercise of the first, second or third qualifying percentage of votes in a body corporate carrying on the whole or part of the undertaking or in any other body corporate which is in control of such a body ceases to be resident in the United Kingdom.
- (3) For the purposes of subsection (2) above—
 - (a) a body corporate or individual entitled to cast 30 per cent, or more of the votes that may be cast at any general meeting of a body corporate is in control of that body; and
 - (b) control of a body corporate which has control of another body corporate gives control of the latter body.

Status: This is the original version (as it was originally enacted).

- (4) Any power to direct the holder of shares or stock in a body corporate as to the exercise of his votes at a general meeting of that body corporate is to be treated as entitlement to cast the votes in respect of the shares or stock in question.
- (5) Two or more persons acting together in concert may be treated as a single person for the purposes of any provision of this Part of this Act relating to change of control.
- (6) For the purposes of this Part of this Act—
 - (a) the first qualifying percentage of votes is 30 per cent.;
 - (b) the second qualifying percentage is 40 per cent.; and
 - (c) the third qualifying percentage is 50 per cent.;and the references to votes in this subsection are references to votes that may be cast at a general meeting.