1972. No. 256 **[C]**

INDUSTRIAL ASSISTANCE

Aid to Industry (Amendment) Order (Northern Ireland) 1972

Made . . . . . *7th September* 1972
Coming into operation . . . *1st January* 1973
To be laid before the Parliament of the United Kingdom under paragraph 4(5)(b) of the Schedule to the Northern Ireland (Temporary Provisions) Act 1972

WHEREAS by section 1 of the Aid to Industry Act (Northern Ireland) 1961 as amended by section 1 of the Aid to Industry (Amendment) Act (Northern Ireland) 1964(**a**) the Minister of Commerce may, with the approval of the Minister of Finance, by order make provision for the payment of contributions towards the cost incurred by registered persons of acquiring coal, oil, gas or electricity:

AND WHEREAS by subsection 1(*a*) of section 1 of the Northern Ireland (Temporary Provisions) Act 1972(**b**) it is provided that so long as that section has effect all functions which apart from that Act belong to any Minister of Northern Ireland shall be discharged by the Secretary of State:

NOW THEREFORE the Secretary of State in exercise of the powers conferred upon him by section 1 of the Aid to Industry Act (Northern Ireland) 1961 and by virtue of section 1(1) of the Northern Ireland (Temporary Provisions) Act 1972 hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Aid to Industry (Amendment) Order (Northern Ireland) 1972, and shall come into operation on 1st January 1973.

2. The Aid to Industry Order (Northern Ireland) 1964(**c**) shall be amended as follows:

(1) At the commencement of paragraph 7 of Article 3 there shall be inserted the words "Subject to Article 10(3)";

(2) for paragraphs (3), (4), (5) and (6) of Article 10 the following paragraphs shall be substituted:

"(3) Where the Ministry is satisfied that a registered person has discontinued the business in respect of which he is registered no further contributions shall be payable. Provided that where the business is sold by a registered person to another person and the Ministry is satisfied there has been no interruption in the business which was carried on by the person who was registered the person who has purchased the business may be deemed to be registered and may receive a contribution in respect of the contribution year in which the business was sold to him and in calculating such contribution, or where applicable the succeeding contribution, fuel acquired by the person selling the business may be regarded as if it had been acquired by the person who purchased the business.

(**a**) 1961, c. 17 and 1964. c. 4 (N.I.).
(**b**) 1972, c. 22.
(**c**) S.R. & O. (N.I.) 1964, No. 64.

(4) Where a registered person has been adjudged bankrupt; or a receiver has been appointed in respect of the business; or an order has been made by the Court, or a resolution has been passed, for the winding-up of the undertaking; or in the opinion of the Ministry production may cease in the business the Ministry may refuse or withhold payment of any further contributions.

(5) Where a registered person has in any contribution year changed from the use of coal, oil, gas or electricity to some other fuel the Ministry may refuse or withhold payment either wholly or in part of the contribution in respect of that contribution year or where applicable the succeeding contribution year.

(6) The Ministry may recover a contribution paid in any financial year during which a registered person discontinues the business in respect of which he is registered or where the circumstances mentioned in paragraphs (4) or (5) come into operation."

Dated this 7th day of September 1972.

W. S. I. Whitelaw,
One of Her Majesty's Principal Secretaries of State.

EXPLANATORY NOTE

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

This Order amends the Aid to Industry Order (Northern Ireland) 1964. The principal changes provide for:—

(*a*) the transfer of registration and continuity of payment of contributions in cases of business sold as going concerns with no interruption in production;

(*b*) the power of the Ministry to refuse, withhold or recover payment of contributions where a business may cease or has ceased or where a change from the use of coal, oil, gas or electricity has occurred.

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These Orders have been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. Summaries are given in the List of Statutory Rules and Orders of a Local Character under the heading ROADS.