1962. No. 48 **[C]**

AID TO INDUSTRY ORDER (NORTHERN IRELAND), 1962

ORDER*, DATED 7TH FEBRUARY, 1962, MADE BY THE MINISTER OF COMMERCE WITH THE APPROVAL OF THE MINISTER OF FINANCE UNDER SECTION ONE OF THE AID TO INDUSTRY ACT (NORTHERN IRELAND), 1961.

I, the Right Honourable J. L. O. Andrews, D.L., Minister of Commerce for Northern Ireland (hereinafter referred to as "the Minister") with the approval of Captain the Right Honourable Terence M. O'Neill, D.L., Minister of Finance for Northern Ireland, in exercise of the powers conferred upon me by the Aid to Industry Act (Northern Ireland), 1961(a), hereby make the following Order:

1. This Order may be cited as the Aid to Industry Order (Northern Ireland), 1962.

Interpretation

2. In this Order unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

"the Act" means the Aid to Industry Act (Northern Ireland), 1961;

"contributions" means the contributions towards the cost incurred in acquiring coal, gas or electricity which are authorised by sub-section (1) of Section one of the Act;

"manufacturing" means making for sale any article or substance (including the making or repairing of a ship, vessel or aircraft) or part of any article or substance in the course of a trade or business;

"process connected with manufacture" includes the ornamenting, washing, preserving or adapting in the course of a trade or business of any manufactured article or substance for the purpose of making it saleable;

"registered" means registered by the Ministry in accordance with this Order or in accordance with an Order made under the provisions of the Aid to Industry Act (Northern Ireland), 1953(b);

"gas consumer" means a person who obtains from a gas undertaking a supply of gas for the purpose of manufacturing or for the purpose of a process connected with manufacture;

"electricity consumer" means a person who obtains from an electricity undertaking a supply of electric current for the purpose of manufacturing or for the purpose of a process connected with manufacture.

Registration

3.—(1) The Ministry of Commerce (hereinafter referred to as "the Ministry") shall maintain a register of persons for the purposes of the Act and may, subject to the provisions of this Order, register any person who applies for registration and who—

(a) 1961. c. 17. (b) 1953. c. 28.

*This Order was affirmed by resolutions of the Senate and of the House of Commons on the 13th day of March, 1962.

(*a*) carries on a trade or business consisting of manufacturing or of a process or processes connected with manufacture; and

(*b*) satisfies the Ministry that in such trade or business the annual usage of coal, gas and electricity, either for consumption as a fuel or for such other purpose as may be approved by the Minister, exceeds fifty tons. The quantity of gas and electricity for the purposes of this sub-paragraph shall be computed in accordance with the provisions of paragraph (3).

(2) Where a trade or business consists partly of manufacturing or a process connected with manufacture and partly of any other operation or process and the Ministry is satisfied, having regard to the quantity of coal, gas or electricity used for these respective purposes, that such other operation or process is negligible in effect the person carrying on the mixed trade or business may be registered in respect of the whole of his trade or business; otherwise the person carrying on the mixed trade or business may be registered in respect of the part of the trade or business which consists of manufacturing or a process connected with manufacture.

(3) For the purposes of sub-paragraph (1)(*b*) and paragraphs (4) and (5) of this Article 17,000 cubic feet of gas or 1,400 units of electricity shall be taken as equivalent to one ton of coal.

(4) A registered person who does not in any period of two consecutive years ending on the 31st December in any year acquire a quantity of coal, gas or electricity, which, in total, exceeds one hundred tons shall, subject to paragraph (5), cease to be registered.

(5) The Ministry may, for such period as it considers appropriate, continue the registration of a person failing to meet the requirement of paragraph (4) where the Ministry is satisfied that—

(*a*) the reduced acquisition of coal, gas or electricity has been brought about by a specific improvement in the method of utilisation; or

(*b*) the registered person would normally and necessarily use a quantity of coal or its equivalent in gas or electricity exceeding fifty tons per year for the purposes of his trade or business.

(6) If any registered person shall be convicted of an offence under the Act, or shall fail to comply with the terms of this Order, his registration shall thereupon be deemed to be revoked but it may be restored if the Minister so directs.

(7) A registered person shall notify the Ministry as soon as possible of an intention to discontinue the business in respect of which he is registered or an intention to change over to another fuel and thereby to discontinue or partially discontinue the use of coal, gas or electricity therein. Every such person shall further notify the Ministry that the business has been discontinued or that the use of coal, gas or electricity therein has been wholly or partially discontinued as aforesaid within fourteen days after the happening of any such event.

Applications for Registration

4.—(1) Applications for registration shall be made to the Ministry on a form provided by the Ministry; provided that any applications already submitted under an Order made under the provisions of the Aid to Industry Act (Northern Ireland), 1953, shall be deemed to be applications under this Order.

(2) Where an applicant carries on a trade or business which consists partly of manufacturing or a process connected with manufacture and partly of any other operation or process he shall furnish such information as may be necessary to enable the Ministry to distinguish between the consumption of coal, gas and electricity in manufacturing or a process connected with manufacture and the consumption in such other operation or process.

(3) The information furnished in any application for registration shall be authenticated by a certificate signed by the applicant or, if the applicant is a limited company, a corporation established by Act of Parliament or a local authority, by an officer duly authorised to act for the applicant.

Keeping and production of Records

5. Every registered person shall keep such records as may be required by the Ministry and shall deliver up to the Ministry such documents or information as the Ministry may require for verification of any application for payment of contributions or for verification that such person continues to qualify to be so registered.

Calculation of Contributions

6.—(1) Subject to sub-section (2) of Section six of the Act and paragraph (2) of Article 7 the sum provided by Parliament in each financial year shall be divided into three parts from which contributions towards the cost of coal, gas and electricity respectively shall be paid. These parts shall be in the same ratio to each other as are (*a*) the cost of coal acquired by registered persons as recorded in the returns provided for in paragraph (1) of Article 7; (*b*) the cost of coal used by gas undertakings to produce the quantities of gas as recorded in the said returns; and (*c*) the cost of coal used by electricity undertakings to produce the electricity as recorded in the said returns.

(2) The total coal contribution shall be distributed among registered persons so that the amount which each person receives is in the same proportion to the total coal contribution as that which the cost of coal which he acquired (as recorded in the returns provided for in paragraph (1) of Article 7) bears to the toal cost of coal acquired by registered persons, so, however, that no contribution shall be paid under this Order in respect of any coal for which a contribution has already been paid under the provisions of the Aid to Industry Act (Northern Ireland), 1953.

(3) The total gas contribution shall be distributed among registered persons so that the amount which each person receives is in the same proportion to the total gas contribution as that which the quantity of the gas which he acquired (as recorded in the returns provided for in paragraph (1) of Article 7) bears to the total quantity of gas acquired by registered persons.

(4) The total electricity contribution shall be distributed among registered persons so that the amount which each person receives is in the same proportion to the total electricity contribution as that which the quantity of the electricity which he acquired (as recorded in the returns provided for in paragraph (1) of Article 7) bears to the total quantity of electricity acquired by registered persons.

(5) The cost of coal used to produce a cubic foot of gas or a unit of electricity shall for the purpose of paragraph (1) be taken as being equal to the average cost of the coal used to produce each cubic foot of gas or unit of electricity sold by gas or electricity undertakings in Northern Ireland as a whole during such relevant period as the Ministry may determine.

Payment of Contributions

7.—(1) Not later than the 30th June in 1962 and in each subsequent year each registered person claiming payment of a contribution shall furnish to the Ministry, on a form to be obtained from the Ministry, a return certified as correct by his Auditors, specifying the total quantity and cost of, respectively, coal, gas and electricity acquired by him in connection with the business in respect of which he is registered during the 12 months ending on the preceding 31st December or such other date as may in any particular case be approved by the Ministry. No further claim shall be required in respect of outstanding contributions remaining to be paid in the financial year ending 31st March, 1962.

(2) It shall be a condition precedent to the payment of any contribution that the particulars specified in paragraph (1) shall be furnished duly certified as therein required and if in respect of any year ending 31st December or other approved accounting period a registered person shall fail to furnish such particulars within the time specified in this Order (or following an application for extension made within the time so specified, by any later date authorised in writing by the Ministry), such registered person shall not in the financial year in which such specified time or extension expires participate in the moneys provided for the purposes of the Act; but the Ministry at its discretion may pay a contribution to such registered person in the following financial year towards the cost of acquiring coal, gas or electricity during the year for which, because of such failure, no contribution was paid to him and this shall be in addition to any contribution for which he may be eligible during the second above-mentioned financial year.

(3) Where the Ministry is satisfied that a registered person has on or before 30th June in any year discontinued the business in respect of which he is registered the Ministry shall, having regard to the circumstances in each case, withhold either wholly or in part, the contribution which would otherwise be payable to that person.

(4) Where a registered person has on or before the 30th June in any year converted all or part of his plant to use a type of fuel other than coal, gas or electricity the Ministry shall, having regard to the circumstances in each case, withhold either wholly or in part, the contribution which would otherwise have been payable to that person.

(5) It shall be a condition of every contribution that any registered person who during any year ending 31st December for which a contribution has been made discontinues the business in respect of which he is registered or who, by reason of a change over to the use of another type of fuel, discontinues or partly discontinues the use of coal, gas or electricity, shall repay to the Ministry such portion of the contribution as the Ministry shall determine to be appropriate having regard to the circumstances in the case.

Fuel Efficiency

8. Where it appears to the Ministry that proper economy is not being exercised in the use of coal, gas or electricity, contributions may be reduced or withheld or the registration revoked.

Information from Gas and Electricity Undertakings

9. Each gas and electricity undertaking shall, on request, furnish to the Ministry such information as to the quantity and cost of coal used and the amount of gas or electricity sold as the Ministry may require.