

Draft Order laid before the House of Commons under section 8(10) of the Industrial Development Act 1982, for approval by resolution of that House.

DRAFT STATUTORY INSTRUMENTS

2009 No. XXXX

INDUSTRIAL DEVELOPMENT

**The Financial Assistance For Industry
(Increase of Limit) (No. 3) Order 2009**

Made - - - - *****
Coming into force - - - - *****

The Secretary of State makes the following Order in exercise of the powers conferred on the Secretary of State by section 8(5) of the Industrial Development Act 1982(1), and with the consent of the Treasury and after consultation with the Welsh Ministers.

In accordance with section 8(10) of that Act, a draft of this instrument was laid before the House of Commons and has been approved by a resolution of that House.

Citation, commencement, and extent

1.—(1) This Order may be cited as the Financial Assistance For Industry (Increase of Limit) (No. 3) Order 2009 and shall come into force on the day after it is made.

(2) This Order extends to the whole of the United Kingdom.

Increase of Limit

2. The limit specified in section 8(5) of the Industrial Development Act 1982(2) shall be increased by the sum of £600 million to £6,100 million.

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- (1) 1982 c.52 section 8(5) was substituted by section 1 of the [Industrial Development \(Financial Assistance\) Act 2003 c.11](#), which increased the limit to £3,700 million. As regards Wales, Article 5 and Schedule 2 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) directs that the power of the Secretary of State is exercisable in relation to Wales only after consultation with the National Assembly for Wales constituted under the [Government of Wales Act 1998 \(c.38\)](#). By virtue of paragraphs 30 and 32 of schedule 11 to the [Government of Wales Act 2006 c.32](#), that function was transferred to the Welsh Ministers immediately after the end of the initial period as defined by section 161(5) of that Act. As regards Scotland, despite the transfer of the power to the Scottish Ministers by section 53 of the [Scotland Act 1998 \(c.46\)](#), the power remains exercisable by the Secretary of State by virtue of section 56(1) of that Act.
- (2) The limit of £3,700 million in section 8(5) has been increased to £4,300 million by the Financial Assistance For Industry (Increase of Limit) Order 2008 (S.I. 2008/1272), to £4,900 million by the Financial Assistance For Industry (Increase of Limit) Order 2009 (S.I. 2009/712) and to £5,500 million by the Financial Assistance For Industry (Increase of Limit) (No. 2) Order 2009 (S.I. 2009/****).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Financial Assistance For Industry (Increase of Limit) (No. 3) Order 2009 No. 1228*

Date

Name
Title
Department for Business, Enterprise and
Regulatory Reform

We consent to the making of this Order

Date

Two of the Lords Commissioners of Her
Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

Section 8 of the Industrial Development Act 1982 makes provision for the Secretary of State to provide financial assistance for industry.

Section 8(4) provides that the aggregate of—

- (a) the sums paid by the Secretary of State under this section or section 8 of the Industry Act 1972 (c.63), other than sums paid in respect of foreign currency guarantees, and
- (b) the liabilities of the Secretary of State under any guarantees given by him under either of those sections (exclusive of any liability in respect of interest on a principal sum so guaranteed and of any liability under a foreign currency guarantee),

less repayments in respect of loans or guarantees (other than foreign currency guarantees) under either section shall not exceed the limit specified in section 8(5).

Section 8(5), which was amended by section 1 of the Industrial Development (Financial Assistance) Act 2003 provides that the limit shall be £3,700 million but the Secretary of State may, on not more than four occasions, by Order made with the consent of the Treasury, increase or further increase that limit by a sum specified in that order not exceeding £600 million.

This is the fourth occasion that the sum has been increased under the section 8(5) (as amended) of the Industrial Development Act 1982. The limit was first increased under section 8(5) (as amended) by the Financial Assistance For Industry (Increase of Limit) Order 2008 (S.I. 2008/1272) by £600 Million to £4,300 million which came into force on 8 May 2008, then by the Financial Assistance For Industry (Increase of Limit) Order 2009 (S.I. 2009/712) which came into force on 13 March 2009 and by the Financial Assistance For Industry (Increase of limit) (No. 2) Order 2009 (S.I. 2009/****) which came into force on ****.

This Order increases the limit by £600 million to £ 6,100 million.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the cost of business.