



# Industry Act 1975

## 1975 CHAPTER 68

### PART V

#### GENERAL AND SUPPLEMENTARY

#### **35 Expenses**

Any expenses of the Secretary of State or the Minister of Agriculture, Fisheries and Food incurred in consequence of the provisions of this Act, including any increase attributable to those provisions in sums payable under any other Act, shall be defrayed out of money provided by Parliament.

#### **36 Service of documents**

- (1) Any notice or other document required or authorised by or by virtue of this Act to be served on any person may be served on him either by delivering it to him or by leaving it at his proper address or by sending it by post.
- (2) Any notice or other document so required or authorised to be served on a body corporate or a firm shall be duly served if it is served on the secretary or clerk of that body or a partner of that firm.
- (3) For the purposes of this section, and of section 26 of the Interpretation Act 1889 in its application to this section, the proper address of a person, in the case of a secretary or clerk of a body corporate, shall be that of the registered or principal office of that body, in the case of a partner of a firm shall be that of the principal office of the firm, and in any other case shall be the last known address of the person to be served.

#### **37 Interpretation**

- (1) In this Act, unless the context otherwise requires—
  - " accounting year ", in relation to the Board, means, subject to subsection (2) below, the period of twelve months ending with the 31st

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*Status: This is the original version (as it was originally enacted).*

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December in any year, except that the Board's first accounting year shall end on 31st December 1976;

" enactment " includes an enactment of the Parliament of Northern Ireland or the Northern Ireland Assembly;

" holding company " means a holding company as defined by section 154 of the Companies Act 1948 or section 148 of the Companies Act (Northern Ireland) 1960 ;

" industry " includes any description of commercial activity, and any section of an industry, and " industrial" has a corresponding meaning;

" manufacturing industry " means, subject to subsection (3) below, activities which are described in any of the minimum list headings in Orders III to XIX (inclusive) of the Standard Industrial Classification ;

" the Ministers " means the Secretary of State and the Minister of Agriculture, Fisheries and Food ;

" planning agreement " has the meaning assigned to it by section 21(2) above;

" Standard Industrial Classification " has the meaning assigned to it by section 6(2) of the Industry Act 1972 ;

" subsidiary " means a subsidiary as defined by section 154 of the Companies Act 1948 or section 148 of the Companies Act (Northern Ireland) 1960 ;

" wholly owned subsidiary " has the meaning assigned to it by section 150(4) of the Companies Act 1948 or section 144(5) of the Companies Act (Northern Ireland) 1960.

- (2) The Secretary of State may direct that any accounting year of the Board shall end on a date before or after that on which it would otherwise end.
- (3) In determining the extent to which an undertaking is engaged in manufacturing industry, the following activities shall be treated as manufacturing industry so far as they relate to products manufactured or to be manufactured by the undertaking—
- research,
  - transport,
  - distribution,
  - repair and maintenance of machinery,
  - sales and marketing,
  - storage,
  - mining and quarrying,
  - production and distribution of energy and heating,
  - administration,
  - training of staff,
  - packaging.
- (4) Securities and other property are publicly owned for the purposes of this Act if they are held—
- (a) by or on behalf of the Crown ;
  - (b) by a company all of whose shares are held by or on behalf of the Crown or by a wholly owned subsidiary of such a company ;

- (c) by any corporation constituted by or under any enactment under which an industry or part of an industry is carried on by that corporation under national ownership or control; or
  - (d) by a wholly owned subsidiary of any such corporation.
- (5) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended, applied or extended by or under any other enactment, including this Act.

### **38 Orders**

- (1) Any power to make an order conferred by this Act shall be exercisable by statutory instrument.
- (2) Any power to make an order conferred by any provision of this Act shall include power to make an order varying or revoking any order previously made under that provision.
- (3) It is hereby declared that any power of giving directions or making determinations conferred on the Secretary of State by any provision of this Act includes power to vary or revoke directions or determinations given or made under that provision.

### **39 Citation etc.**

- (1) This Act may be cited as the Industry Act 1975.
- (2) The enactments specified in Schedule 7 to this Act, not being enactments to which section 22 applies, shall have effect subject to the amendments set out in that Schedule, being amendments consequential on the foregoing provisions of this Act and minor amendments.
- (3) The enactments specified in Schedule 8 to this Act are repealed to the extent mentioned in column 3 of that Schedule.
- (4) It is hereby declared that this Act extends to Northern Ireland.
- (5) Notwithstanding the provisions—
  - (a) of section 12(3) of the Statutory Orders (Special Procedure) Act 1945, and
  - (b) of section 31(5) of the Trade Union and Labour Relations Act 1974,the former Act shall apply to any compensation order which extends to Northern Ireland, and the latter Act shall extend to Northern Ireland so far as necessary for the definition of the expression " independent trade union ".
- (6) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.
- (7) An order under subsection (6) above may appoint different days for different provisions and for different purposes.