

## SCHEDULES

### SCHEDULE 2

Section 19.

#### CONSEQUENTIAL AMENDMENTS, TRANSITIONAL PROVISIONS AND SAVINGS

##### PART I

###### OLD CASES ETC

- 1 The enactments repealed by this Act and the instruments made under those enactments shall continue to have effect after the commencement of this Act for the purpose of the making of grants under Part I of the Industry Act 1972 in respect of expenditure incurred in providing an asset as part of, or on or for use in any premises if—
  - (a) the asset was provided before 1st August 1980 ; or
  - (b) the expenditure was defrayed before 18th July 1979 ; or
  - (c) the asset consists of a building or works provided in a derelict land clearance area and the construction of the building or the carrying out of the works was begun before 22nd March 1974.
- 2 (1) In Articles 5, 5A, 5B, 5C and 5D of the Assisted Areas Order 1979 (which contain transitional provisions in connection with changes in the categories of the assisted areas) references to Part I of the Industry Act 1972 shall have effect on and after the commencement of this Act as if they included references to Part II of this Act.  
(2) Where apart from this sub-paragraph the amount of a grant under Part II of this Act towards expenditure falling within sub-paragraph (3) below would be less than 20 per cent, of the expenditure, the amount shall instead be 20 per cent, of the expenditure.  
(3) The expenditure falling within this sub-paragraph is expenditure incurred—
  - (a) in providing an asset as part of, or on or for use in, qualifying premises in a relevant special development area in such circumstances that, by reason of Article 5(1) and (4)(d) or Article 5A(2) and (5)(b) of the Assisted Areas Order 1979 (as amended by sub-paragraph (1) above), any grant under Part II of this Act towards the expenditure is to be made at the rate appropriate to a development area which is not a special development area, or
  - (b) in providing a building or works at any time as part of or on qualifying premises in a relevant development area in such circumstances that, by reason of Article 5(2) and (4)(d) of that order (as so amended), no grant may be made under Part II of this Act towards any expenditure incurred in providing machinery or plant at that time for use in those premises.
- (4) In sub-paragraph (3) above—
  - (a) " relevant special development area " means an area which became a special development area on the coming into operation of the Assisted Areas Order 1977, the Assisted Areas Order 1979 or the Assisted Areas (Amendment) Order 1979, and

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- (b) "relevant development area" means an area which became a development area on the coming into operation of the Assisted Areas Order 1977, the Assisted Areas (No. 2) Order 1977 or the Assisted Areas Order 1979.
- (5) The preceding provisions of this paragraph are without prejudice to the provisions of an order made after the commencement of this Act under section 1 of this Act, and such an order may amend or repeal sub-paragraph (1) above.
- (6) Notwithstanding its enactment by this Act, sub-paragraph (1) above shall have effect subject to any question arising as to the validity of the provisions in the Articles mentioned in that sub-paragraph referring to Part I of the Industry Act 1972.

## PART II

### MISCELLANEOUS

#### *The Distribution of Industry Acts 1945 to 1958*

- 1 The repeal by this Act of paragraph 3 of Schedule 2 to the Local Employment Act 1972 shall be without prejudice to—
- (a) the continued operation as mentioned in that paragraph of any agreement relating to loans or grants entered into under the Distribution of Industry Acts 1945 to 1958 ;
  - (b) the payment of further instalments of a grant under section 3 of the Distribution of Industry Act 1945 in pursuance of arrangements made before 1st April 1960;
  - (c) the continued payment to a housing association of grants under section 3(2) of the Distribution of Industry Act 1950 in respect of dwellings provided before 1st April 1960, being grants which the Board of Trade agreed to make.

#### *The Landlord and Tenant Act 1954*

- 2 In section 60 of the Landlord and Tenant Act 1954—
- (a) the application by subsection (1) of section 2(1) of the Local Employment Act 1972 shall continue to have effect notwithstanding the repeal by this Act of Part I of Schedule 4 to the Industry Act 1972 ; and
  - (b) for subsection (3) there shall be substituted the following subsection—
 

“(3) In this section ' development area' and ' intermediate area' mean an area for the time being specified as a development area or, as the case may be, as an intermediate area by an order made, or having effect as if made, under section 1 of the Industrial Development Act 1982.”

#### *The Building Control Act 1966*

- 3 In section 4(5) of the Building Control Act 1966, for the words, from " by an order " to " the Local Employment Act 1972 " there shall be substituted the words " by an order made, or having effect as if made, under section 1 of the Industrial Development Act 1982 or, in relation to a time before the commencement of that Act, under the Local Employment Act 1972 ".

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*The Capital Allowances Act 1968*

- 4 (1) In sections 84(1) and 95(6) of the Capital Allowances Act 1968—
- (a) for the words "under Part I" there shall be substituted the words " under the provisions of Part II of the Industrial Development Act 1982 or Part I "; and
  - (b) for the words "the said Part I" there shall be substituted the words " those provisions ".
- (2) Any statutory instrument made before the commencement of this Act under a provision amended by sub-paragraph (1) above shall (subject to any power to amend or revoke the instrument) have effect after the commencement of this Act, with the necessary modifications, as if made under the provision as so amended.

*The Development of Tourism Act 1969*

- 5 In subsection (3) of section 11 of the Development of Tourism Act 1969, for the words from " by an order" onwards there shall be substituted the words " by an order made, or having effect as if made, under section 1 of the Industrial Development Act 1982 or, in relation to a time before the commencement of that Act, under section 1 of the Local Employment Act 1972 ".

*The Finance Act 1971*

- 6 In section 52(1) of the Finance Act 1971, for the words " within the meaning of the Local Employment Act 1972)" there shall be substituted the words " (that is to say, an area specified as such by an order made, or having effect as if made, under section 1 of the Industrial Development Act 1982 or, in relation to a time before the commencement of that Act, a development area within the meaning of the Local Employment Act 1972) ".

*The Town and Country Planning Act 1971*

- 7 (1) In section 67(7) of the Town and Country Planning Act 1971, for the definition of "development area" there shall be substituted the following definition: —
- “ development area' means any area specified as such by an order made, or having effect as if made, under section 1 of the Industrial Development Act 1982”.
- (2) In section 124(8) of that Act, for the words " section 5, 8, 13(1) or 14 of the Local Employment Act 1972" there shall be substituted the words " section 14(1) or (4) or 17(3) of the Industrial Development Act 1982 ".

*The Local Employment Act 1972*

- 8 The repeal by this Act of paragraph 3 of Schedule 2 to the Industry Act 1972 shall not affect any liability by virtue of that paragraph (savings for repeals of provisions of the Local Employment Act 1972) for any offence committed before the commencement of this Act.
- 9 Nothing in this Act shall prejudice the operation, in relation to section 8 of the Local Employment Act 1972, of the transitional provisions contained in section 8(7) of the Scottish Development Agency Act 1975 and sections 1(12) and 2(3) of the Derelict Land Act 1982.

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*The Town and Country Planning (Scotland) Act 1972*

- 10 In section 65(6) of the Town and Country Planning (Scotland) Act 1972, for the definition of " development area " there shall be substituted the following definition: —

“'development area' means any area specified as such by an order made, or having effect as if made, under section 1 of the Industrial Development Act 1982”.

*The House of Commons Disqualification Act 1975*

- 11 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975, for the words " or Part II of the Industry Act 1972 " there shall be substituted the words " Part II of the Industry Act 1972 or Part III or section 13 of the Industrial Development Act 1982 ".

*The Industry Act 1975*

- 12 In section 37(1) of the Industry Act 1975, for the words " the Industry Act 1972 " there shall be substituted the words " the Industrial Development Act 1982 ".

*Advisory Boards in Scotland and Wales*

- 13 In section 20 of the Scottish Development Agency Act 1975 and in section 13 of the Welsh Development Agency Act 1975, for the words " the Industry Act 1972 ", wherever occurring, there shall be substituted the words " the Industrial Development Act 1982 ".

*The Energy Act 1976*

- 14 In section 21 of the Energy Act 1976, for the words "the Industry Act 1972 " there shall be substituted the words " the Industrial Development Act 1982 ".

*The British Aerospace Act 1980*

- 15 In paragraph 3 of Schedule 1 to the British Aerospace Act 1980—
- (a) in sub-paragraph (1), after the words " the Industry Act 1972 " there shall be inserted the words " and Part II of the Industrial Development Act 1982 " and for the words " of that Act" there shall be substituted " of the said Act of 1972 "; and
  - (b) in sub-paragraph (2), for the words from " and " onwards there shall be substituted the words " or Part II of the Industrial Development Act 1982 and ' approved capital expenditure' has the same meaning as it has for the purposes of the provisions relating to regional development grant ".

*The Finance Act 1980*

- 16 In section 42(2)(a) of the Finance Act 1980, after the word " of " there shall be inserted the words " the Industrial Development Act 1982 or section 7 or 8 of ".

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*The English Industrial Estates Corporation Act 1981*

- 17 (1) In section 2(6) of the English Industrial Estates Corporation Act 1981, for the words "the Local Employment Act 1972" there shall be substituted the words "the Industrial Development Act 1982".
- (2) In section 8 of that Act, for the words "section 5 of the Local Employment Act 1972" there shall be substituted the words "section 14(1) of the Industrial Development Act 1982".

*The Finance Act 1982*

- 18 In section 137(6) of the Finance Act 1982—
- (a) for the words "under Part I" there shall be substituted the words "under the provisions of Part II of the Industrial Development Act 1982 or Part I"; and
  - (b) for the words "the said Part I" there shall be substituted the words "those provisions".

*The Derelict Land Act 1982*

- 19 In section 1 of the Derelict Land Act 1982—
- (a) in subsection (10), for the words "the Local Employment Act 1972" there shall be substituted the words "the Industrial Development Act 1982"; and
  - (b) in subsection (11), in the definition of "development area", for the words from "made" to "1972" there shall be substituted the words "made, or having effect as if made, under section 1 of the Industrial Development Act 1982".