

1959. No. 119

[C]

**INDUSTRIAL AID AND DEVELOPMENT**

ORDER, DATED 10TH JULY, 1959, 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), 1953.

I, the Right Honourable Lord Glentoran, H.M.L., Minister of Commerce for Northern Ireland, with the approval of Capt. the Right Honourable Terence M. O'Neill, Minister of Finance for Northern Ireland, in exercise of the powers conferred upon me by the Aid to Industry Act (Northern Ireland), 1953(a), hereby make the following Order:

1. This Order may be cited as the Aid to Industry Order (Northern Ireland), 1959.

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), 1953;

“contributions” means the contributions towards the cost incurred in acquiring coal 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 for the making of which the use of heat derived from coal or the use of machinery operated by heat or power derived from coal is required or used;

“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;

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

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

“registered” means registered by the Ministry in accordance with this Order or in accordance with the Aid to Industry Order (Northern Ireland), 1957(b).

*Registration*

3.—(1) 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) carries on a trade or business consisting of manufacturing or of a process or processes connected with manufacture; and

(a) 1953, c. 28.

(b) S.R. &amp; O. (N.I.) 1957, No. 53.

- (b) satisfies the Minister that the annual usage of coal in such trade or business, either for consumption as fuel or for such other purpose as may be approved by the Minister, exceeds 50 tons.
- (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 Minister is satisfied, having regard to the quantity of coal used for the purpose of the respective operations or processes, that such other operations or processes are negligible in effect he may cause the person carrying on the mixed trade or business to be registered in respect of the whole of his trade or business; or where the Minister is satisfied that the quantity of coal used for manufacturing and processes connected with manufacture can be ascertained separately from the quantity of coal used for the other operations and processes he may cause the person carrying on the mixed trade or business to be registered in respect of the part of the business which consists of manufacturing and processes connected with manufacture.
- (3) Consumers of gas or electricity or both shall for the purposes of this Order be treated as consuming coal to the extent of the quantity of coal required in the production of the gas or electricity so used. For the purpose of this paragraph the consumption of 17,000 cubic feet of gas or 1,400 units of electricity shall be taken as equivalent to the consumption of 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 exceeding 100 tons (or the equivalent in gas and electricity) shall cease to be registered. The Ministry may register a person who has ceased to be registered if the Minister is satisfied that that person is normally and necessarily using a quantity of coal exceeding 50 tons per year for the purpose of his trade or business and that the other requirements of this Article are fulfilled.
- (5) 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.

### *Contributions*

4.—(1) Subject to sub-section (2) of section three of the Act and paragraph (5) of this Article the sum provided under the Act by Parliament in respect of the financial year ending 31st March, 1960, and each succeeding year while this Order continues in force shall be distributed among registered persons and gas and electricity undertakings as follows:—

Contributions to registered persons shall be in the proportions which the cost of coal severally acquired by such persons (as shown in the returns provided for in paragraph (4)) shall bear to the total cost of coal acquired by all registered persons who have furnished the said returns and used by gas and electricity undertakings to produce gas and electricity purchased by such persons.

Contributions to gas and electricity undertakings shall be in the proportions which the cost of coal used as aforesaid by such undertakings and determined as prescribed in paragraph (2) shall bear to the total cost of coal acquired by registered persons and used by gas and electricity undertakings as aforesaid.

(2) The cost of coal used to produce a cubic foot of gas or unit of electricity for the purpose of paragraph (1) shall 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.

(3) Gas and electricity undertakings shall pay to customers who are persons registered under this Order such allowances as shall be specified in a schedule to be supplied by the Ministry to each undertaking in respect of each period. The aggregate of the allowances which each undertaking shall be required to pay shall be equivalent to the contribution payable to the said undertaking under paragraph (1). Registered persons shall receive, in respect of each period, separate notification of any allowances payable to them by gas and electricity undertakings.

(4) Not later than the 30th June in each year each registered person claiming payment of a contribution under paragraph (1) shall furnish to the Ministry, in a form to be obtained from the Ministry, a return certified as correct by his Auditors, specifying the total cost and tonnage of coal acquired by him in connection with the business in respect of which he is registered during the twelve months ending on the preceding 31st December or such other date as may in any particular case be approved by the Ministry, and the number of cubic feet of gas and number of units of electricity purchased by him during the said period.

(5) It shall be a condition precedent to the payment of any contribution that the particulars specified in paragraph (2) shall be furnished duly certified as therein and if in respect of any year ending 31st December or other approved accounting period a registered person shall fail to furnish such particulars certified as aforesaid within the time in this Order specified or any extension thereof given 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; the Ministry may however at its discretion permit payment of contribution to be made to such registered person in the following financial year in respect of the cost of coal acquired during the year for which, because of such failure, no contribution was paid to him and this shall be in addition to any contribution to which he may be entitled during the second above-mentioned financial year.

(6) Where the Minister 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.

(7) 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.

(8) It shall be a condition of every contribution that any registered person who during any financial year in 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 of the case.

(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.

#### *Applications for Registration*

5.—(1) Applications for registration shall be made to the Ministry on forms to be provided by the Ministry; provided that any applications already submitted under the Aid to Industry Order (Northern Ireland), 1957, 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 either

- (a) to enable the Minister 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; or
- (b) to satisfy the Minister that such consumption is negligible.

(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 of Records*

6. Every registered person shall keep such records as may be required by the Ministry and shall deliver up to the Ministry such documents as may be necessary in verification of any application for payment of contributions.

#### *Fuel Efficiency*

7. Where it appears to the Minister that proper economy is not being exercised in the use of coal, gas or electricity, contributions may be withheld or reduced or the registration revoked; provided that where the Minister is satisfied that a reduction in consumption to a level below 50 tons a year has been brought about by any specific improvement in the method of utilization he may cause the registration to be continued for such period as he may consider appropriate.

#### *Information in Registers*

8. Information received from applicants other than the names and addresses of the registered persons shall not be disclosed by the Ministry.

9. 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 may be restored if the Minister so directs.

*Revocation*

10. The Aid to Industry Order (Northern Ireland), 1957, the Aid to Industry (Amendment) Order (Northern Ireland), 1957(a), the Aid to Industry (Amendment) Order (Northern Ireland), 1958(b), and the Aid to Industry (Amendment) Order (Northern Ireland), 1959(c), are hereby revoked, provided however that any registration made under or for the purposes of the Aid to Industry Order (Northern Ireland), 1957, shall be deemed to continue in force despite the revocation of that Order and shall have the like effect and the like proceedings may be taken thereon as if the registration had been made under this Order.

Given under my hand this tenth day of July, Nineteen hundred and fifty-nine.

*Glentoran,*

Minister of Commerce for Northern Ireland.

I, Capt. the Right Honourable Terence M. O'Neill, Minister of Finance for Northern Ireland, hereby signify my approval of the foregoing Order.

Given under my hand this twentieth day of July, nineteen hundred and fifty-nine.

*Terence O'Neill,*

Minister of Finance for Northern Ireland.

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EXPLANATORY NOTE

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

This Order supersedes previous Orders made under the Aid to Industry Act (Northern Ireland), 1953, and changes the method by which contributions are paid in respect of gas and electricity purchased by registered persons. Under the revised procedure such persons will receive from their suppliers of gas and electricity an allowance equivalent to the contribution which, under the previous arrangements, they would have received from the Ministry of Commerce. Contributions payable in respect of coal acquired by registered persons will continue to be made directly to them by the Ministry. The procedure for registration and for the submission of claims remains unaltered.

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(a) S.R. & O. (N.I.) 1957, No. 101.  
(b) S.R. & O. (N.I.) 1958, No. 28.

(c) S.R. & O. (N.I.) 1959, No. 14.