

The Ministry of Finance for Northern Ireland hereby approves the foregoing Regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 30th day of April, 1964.

(L.S.)

W. W. Arthur,
Assistant Secretary.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations provide for the award of Research Studentships and Advanced Course Studentships in Science and Technology; and State Studentships and Advanced Course State Studentships in Arts and Social Studies.

1964. No. 64

[C]

AID TO INDUSTRY ORDER (NORTHERN IRELAND) 1964

ORDER*, DATED 19TH MARCH, 1964, MADE BY THE MINISTER OF COMMERCE WITH THE APPROVAL OF THE MINISTER OF FINANCE UNDER SECTION 1 OF THE AID TO INDUSTRY ACT (NORTHERN IRELAND) 1961.

I, the Right Honourable Brian Faulkner, Minister of Commerce for Northern Ireland (hereinafter referred to as "the Minister"), with the approval of the Right Honourable J. L. O. Andrews, D.L., Minister of Finance for Northern Ireland, in exercise of the powers conferred upon me by the Aid to Industry Acts (Northern Ireland) 1961 and 1964(a), hereby make the following Order:

1. This Order may be cited as the Aid to Industry Order (Northern Ireland) 1964.

Interpretation

2. In this Order—

"the Acts" means the Aid to Industry Acts (Northern Ireland) 1961 and 1964;

"contribution" means a contribution authorised by this Order to be made towards the cost incurred during a contribution year in acquiring coal, oil, gas or electricity;

"contribution year" means the calendar year in respect of which a contribution is payable, being a contribution towards the cost of acquiring

(a) 1961. c. 17 and 1964. c. 4.

*This Order was affirmed by a Resolution of each House of Parliament on the 28th day of April, 1964.

coal, oil, gas and electricity during that calendar year, whether or not the contribution is calculated by reference to the cost incurred during that year in acquiring coal, oil, gas and electricity;

“gas” means gas acquired from a public gas undertaking or liquefied petroleum gas (propane or butane) whether or not acquired from a public gas undertaking;

“industrial plant and machinery” means any plant and machinery but does not include mechanically-propelled vehicles except vehicles—

(a) which are used exclusively on the land or in the premises on or in which the business in respect of which a person is registered is carried on; and

(b) which are not licensed for use on public roads;

“liquid petroleum gas” means liquefied propane or butane gas acquired other than through a piped public gas supply;

“manufacturing” means making for sale any article or substance (including the making or repairing of a ship, vessel or aircraft but excluding the production of gas or electricity and the refining of oil) 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 or deemed to be registered by the Ministry in accordance with this Order;

“the Ministry” means the Ministry of Commerce;

“town gas” means gas piped from a public gas undertaking.

Registration

3.—(1) The Ministry shall maintain a register of persons for the purposes of the Acts 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

(b) satisfies the Ministry that in such trade or business the annual usage of coal, oil, gas and electricity, either to provide heat or light, or for consumption as a fuel in industrial plant or machinery or for such other purpose as may be approved by the Minister, exceeds fifty tons of coal or equivalent quantities of oil, gas and electricity computed in accordance with 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, oil, 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 registration and Articles 6(2), 7(2) and 11(1), 137 gallons of oil, 17,000 cubic feet of town gas, 360 lbs. of liquid petroleum

gas or 1,400 units of electricity shall be taken as equivalent to one ton of coal and references to the coal equivalent of oil, gas and electricity shall be construed accordingly.

(4) Where in any period of two consecutive calendar years the total quantity of coal, oil, gas and electricity acquired by a registered person does not exceed 100 tons of coal or its coal equivalent that person 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 the reduced acquisition of coal, oil, gas or electricity has been brought about by a specific improvement in the method of utilisation or has been only temporary.

(6) If any registered person shall be convicted of an offence under the Acts 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.

(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 either wholly or partly from the use of coal, oil, gas or electricity to some other fuel. Every such person shall further notify the Ministry that the business has been discontinued or of the change in fuel used as aforesaid within 14 days after the happening of any such event.

Applications for Registration

4.—(1) Persons already registered under an Order made under the provisions of the Aid to Industry Act (Northern Ireland) 1953(a), or the Aid to Industry Act (Northern Ireland) 1961, shall be deemed to be registered under this Order.

(2) Applications for registration, including applications by persons who were formerly registered and whose registration was revoked, shall be made on a form obtainable from the Ministry.

(3) 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, oil, gas and electricity in manufacturing or a process connected with manufacture and the consumption in such other operation or process.

(4) The information furnished in any application for registration shall be authenticated by a certificate signed by the applicant or, if the applicant is a body corporate, 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, or furnish to a person authorised by the Ministry in that behalf under section 6 of the Aid to Industry (Amendment) Act (Northern Ireland) 1964, 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.

CLAIMS FOR CONTRIBUTIONS

1964 Contributions

6.—(1) Not later than 31st August, 1964 (or, where an application is covered by paragraph (2), 30th June, 1965) a registered person claiming a contribution in respect of the contribution year 1964 shall furnish to the Ministry, on a form obtainable from the Ministry, a return certified as correct by his Auditors specifying the quantities and cost of, respectively, coal, oil, gas and electricity acquired by him during the calendar years 1962 and 1963 or such other period as in any particular case may be approved by the Ministry, in connection with the business in respect of which he is registered. An applicant who has previously furnished to the Ministry any part of such information in a certified return made under the Aid to Industry Order (Northern Ireland) 1962(a) shall be deemed to have furnished that part of the information as required by this paragraph.

(2) A registered person who has in the period 1st January, 1963 to 31st December, 1964 started the production in respect of which he is registered may claim a contribution in respect of the contribution year 1964, provided that the quantity of coal, oil, gas and electricity used by him for authorised purposes during 1963 shall not be taken into account by the Ministry in computing the said contribution if that quantity was less than 50 tons of coal equivalent.

Contributions after 1964

7.—(1) In 1965 and in each succeeding contribution year a registered person claiming a contribution shall, not later than 30th June, furnish to the Ministry, on a form obtainable from the Ministry, a return certified as correct by his Auditors specifying the quantities and cost of, respectively, coal, oil, gas and electricity acquired by him in connection with the business in respect of which he is registered during the preceding calendar year or such other period as in any particular case may be approved by the Ministry.

(2) A registered person who, on or after 1st January, 1965, starts production in the business in respect of which he is registered may claim a contribution towards the cost incurred in acquiring coal, oil, gas and electricity during the remainder of the contribution year in which such production is started; provided that the total quantity of coal, oil, gas and electricity used by him for authorised purposes during the said year is at least 50 tons of coal equivalent. A claim shall be submitted not later than 30th June in the year following the said contribution year on a form obtainable from the Ministry.

CALCULATION AND PAYMENT OF CONTRIBUTIONS

1964 Contributions

8. Individual contributions in respect of the contribution year 1964 shall be calculated as provided for in Article 9, except that the calculations shall be based on (a) the total sum available for distribution in 1964 increased by £750,000 and (b) the returns provided for in Article 6. Each contribution so calculated shall be reduced by the amount of any contribution in respect of the contribution year 1963 previously paid to the registered person concerned.

Contributions after 1964

9.—(1) Subject to section 6(2) of the Aid to Industry Act (Northern Ireland) 1961 and Articles 8 and 10 the total sum available for distribution in respect of each contribution year shall be divided into four parts from which contributions towards the cost of coal, oil, 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 for authorised purposes by registered persons as recorded in those returns provided for in Article 7, on the basis of which, in the opinion of the Ministry, a contribution will be payable; (b) the cost of oil acquired for authorised purposes by registered persons as recorded in the said returns; (c) the cost of coal, oil and gas used to produce the quantities of town gas acquired for authorised purposes as recorded in the said returns, together with a fraction of the total cost recorded in the said returns of liquid petroleum gas acquired for authorised purposes (this fraction being the cost of coal, oil and gas used to produce the town gas recorded in the said returns divided by the total cost of such gas); (d) the cost of coal and oil used by electricity undertakings to produce the electricity acquired for authorised purposes as recorded in the said returns.

(2) Each part so calculated shall be divided among registered persons so that the amount which each person receives shall be in the same proportion to the said part as that which the cost of, respectively, the coal, oil, gas or electricity which he acquired for authorised purposes as recorded in the said returns bears to the total cost of such coal, oil, gas or electricity acquired by registered persons.

(3) The cost of coal, oil and gas used to produce a cubic foot of gas shall for the purpose of paragraph (1) be taken as being equal to the average cost of the coal, oil and gas used to produce each cubic foot of town gas sold in Northern Ireland during such relevant period as the Ministry may determine.

(4) The cost of coal and oil used to produce a unit of electricity shall for the purpose of paragraph (1) be taken as being equal to the average cost of the coal and oil used to produce each unit of electricity sold by all electricity undertakings in Northern Ireland during such relevant period as the Ministry may determine.

Payment of Contributions

10. The Ministry may pay contributions calculated in the manner provided for in Articles 8 and 9 subject to the following conditions—

(1) The particulars specified in Article 7 shall have been furnished duly certified as therein required and if 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 share in the moneys provided; 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, oil, gas or electricity during the contribution 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.

(2) A contribution shall not be payable towards the cost of acquiring liquid petroleum gas where the quantity shown on the return provided for in Articles 6 and 7 is less than one ton of such gas and any such quantity shall be disregarded for the purpose of Article 9.

(3) Where the Ministry is satisfied that on or before 31st December in any contribution year or before the date on which a contribution for that year becomes payable, whichever is the earlier, a registered person has discontinued

the business in respect of which he is registered no contribution in respect of that contribution year, or any outstanding contribution in respect of any earlier contribution year, shall be payable.

(4) Where a registered person has been adjudged bankrupt; or a receiver has been appointed in respect of the business; or an order has been made by the Court, or a resolution has been passed, for the winding-up of the undertaking; or in the opinion of the Ministry production has substantially ceased in the business before 31st December in any contribution year or before the date on which a contribution becomes payable, whichever is the earlier, the Ministry may, at its discretion, refuse or withhold payment either wholly or in part of the contribution in respect of that contribution year or any outstanding contribution in respect of any earlier contribution year.

(5) Where a registered person has on or before 31st December in any contribution year or before the date on which a contribution for that year becomes payable, whichever is the earlier, changed either wholly or partly from the use of coal, oil, gas or electricity to some other fuel the Ministry may, at its discretion, refuse or withhold payment either wholly or in part of the contribution in respect of that contribution year.

(6) If, on or before 31st December in any contribution year, a registered person who has received a contribution in respect of the said year discontinues the business in respect of which he is registered, or the circumstances enumerated in paragraphs (4) or (5) come into operation, the Ministry may, at its discretion, require the registered person to repay to the Ministry either wholly or in part the contribution in respect of that contribution year.

11. Subject to the provisions of this Order, the following arrangements for payment of contributions shall apply to registered persons who have started on or after 1st January, 1964 the business in respect of which they are registered—

(1) Where the acquisition of coal, oil, gas or electricity for approved purposes during the contribution year in which production started exceeds 50 tons of coal equivalent, a contribution calculated on the coal, oil, gas or electricity so acquired may be paid in respect of that year.

(2) A contribution calculated on the coal, oil, gas or electricity acquired for approved purposes during the contribution year following that in which production started may be paid in respect of that following year.

(3) Contributions in respect of the following contribution year and each succeeding year shall be calculated in accordance with Article 9.

MISCELLANEOUS

Fuel Efficiency

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

Information from Gas and Electricity Undertakings

13.—(1) Each gas undertaking shall, on request, furnish to the Ministry such information as to the quantities and cost of coal, oil and gas used in the production of gas for sale and the amount of gas sold as the Ministry may require.

(2) Each electricity undertaking shall, on request, furnish to the Ministry such information as to the quantities and cost of coal and oil used in the production of electricity for sale and the amount of electricity sold as the Ministry may require.

Information to be Confidential

14. Information received from applicants other than the names and addresses of the registered persons shall not, without the previous consent in writing of the person carrying on the undertaking to which the information relates, be disclosed except in the execution of the Acts or of any Order made thereunder or for the purposes of any proceedings pursuant thereto or any report of such proceedings.

Revocation

15. The Aid to Industry Order (Northern Ireland) 1962 is hereby revoked.

Given under my hand this 13th day of March, 1964.

Brian Faulkner,
Minister of Commerce for Northern Ireland.

I, the Right Honourable J. L. O. Andrews, D.L., Minister of Finance for Northern Ireland, hereby signify my approval of the foregoing Order.

Given under my hand this 19th day of March, 1964.

John L. O. Andrews,
Minister of Finance for Northern Ireland.

EXPLANATORY NOTE

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

This Order, which supersedes the Aid to Industry Order (Northern Ireland) 1962, regulates the distribution of industrial coal, oil, gas and electricity contributions as provided for by the Aid to Industry Acts (Northern Ireland) 1961 and 1964.

Provision is made for contributions towards the cost incurred by registered persons in acquiring for approved purposes oil and liquid petroleum gas, as well as the coal, electricity and town gas which formerly qualified.

Gas and electricity contributions will be allocated in proportion to the cost of the gas and electricity acquired by each registered person and not, as formerly, in proportion to the quantities so acquired.

Persons who were registered under former Aid to Industry Orders are not required to seek re-registration. In considering applications for new

registrations, the Ministry will take into account the quantities of oil or liquid petroleum gas used (Article 3).

The normal procedure for claiming contributions is unaltered, except that the closing date for applications for a contribution in respect of 1964 is 31st August, 1964. Special provision is made (Article 11) for contributions to newly started businesses.

There are revised conditions relating to the refusal or withholding of contributions in given circumstances (Article 10).