STATUTORY INSTRUMENTS

1982 No. 1083 (N.I. 15)

The Industrial Development (Northern Ireland) Order 1982

- - - - - - *30th July 1982*

PART I

INTRODUCTORY

Title and commencement

1. This Order may be cited as the Industrial Development (Northern Ireland) Order 1982 and shall come into operation on 1st September 1982.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954[F1] shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

Definitions rep. by 2002 c. 1 (NI)

[[F2]"the Department" means the Department of Enterprise, Trade and Investment;**]**

"industry" includes any description of commercial activity, and references to an industry include references to any section of an industry;

[[F2]"INI" means Invest Northern Ireland;**]**

"scientific research" means any activity in the fields of natural or applied science for the extension of knowledge;

"statutory provision" has the meaning assigned to it by section 1 *(f)* of the Interpretation Act (Northern Ireland) 1954.

Paras.(3) and (4) rep. by 2002 c. 1 (NI)

F1 1954 c. 33 (NI)
F2 2002 c. 1 (NI)

Pt.II (Arts. 3-6) rep. by 2002 c. 1 (NI)

PART III

INDUSTRIAL DEVELOPMENT

Selective financial assistance

7 [F3]**.**—(1) **[**[F4]INI**]** may[F4]. . . provide financial assistance where, in its opinion—

(a) the financial assistance is likely to provide, maintain or safeguard employment in any part of Northern Ireland;

(b) the form and amount of the financial assistance is reasonable having regard to all the circumstances; and

(c) there are good prospects that the provision of such financial assistance will achieve one or more of the purposes set out below and is justified having regard to any of those purposes.

(2) The purposes mentioned in paragraph (1) are—

(a) to promote the development or modernisation of an industry or of any industrial undertaking;

(b) to promote the efficiency of an industry or of any industrial undertaking;

(c) to create, expand or sustain productive capacity in an industry or in any industrial undertaking;

(d) to promote the reconstruction, reorganisation or conversion of an industry or of industrial undertakings;

(e) to encourage arrangements for ensuring that any run down of an industry, or of any industrial undertaking, proceeds in an orderly way.

(3) Subject to the following provisions of this Article, financial assistance under this Article may be given on any terms or conditions, and by any description of investment or lending or guarantee, or by making grants, and may, in particular, be—

(a) investment by subscription for, or acquisition of, loan or share capital in any company including an acquisition effected by**[**[F4] INI**]** through that company's holding company;

(b) investment by the acquisition of any industrial undertaking or of any assets;

(c) a loan; whether secured or unsecured, and whether or not carrying interest or interest at a commercial rate;

(d) any form of insurance or guarantee to meet any contingency, and in particular to meet default on payment of a loan, or of interest on a loan, or non-fulfilment of a contract.

(4) **[**[F4]INI**]** may, in return for any shares or stock acquired by it under paragraph (3) *(a)*, cancel or amend any conditions attached to a grant made by**[**[F4] INI**]** under any statutory provision.

(5) Where—

(a) a sum is outstanding in respect of a loan made under any statutory provision by**[**[F4] INI**]** to a company; and

(b) **[**[F4]INI**]** has power to give assistance to the company under the foregoing provisions of this Article,

[[F4]INI**]** may, at its discretion, subscribe for or acquire stocks or shares in that company or its holding company in satisfaction of the sum outstanding or such part of it as may be agreed between**[**[F4] INI**]** and the company.

Para. (6) rep. by 2002 c. 1 (NI)

(7) Subject to paragraph (8), where any**[**F4 amount**]** of principal or interest or both principal and interest due on foot of any loan made under this Article is more than thirty-one days in arrear, additional interest at such rate as may from time to time be determined by an order made by the Department of Finance and Personnel subject to negative resolution shall, notwithstanding and statutory provision or rule of law to the contrary, be chargeable on that**[**F4 amount**]** as from the date on which it fell due and shall be recoverable therewith.

(8) **[**F4INI**]** mayF4. . . in such cases as it thinks fit waive the payment of such additional interest as is mentioned in paragraph (7) or any part of such additional interest.

(9) Without prejudice to the foregoing provisions of this Article, where in the case of any undertaking—

(a) financial assistance under this Article has been given by any description of investment or lending or guarantee; and

(b) **[**F4INI**]** is satisfied that, with a view to safeguarding all or part of the investment or, as the case may be, enabling all or part of any moneys paid for fulfilling the guarantee or of the moneys lent to be recovered, it is expedient to provide further financial assistance for the purposes of the undertaking.

[F4INI**]** mayF4. . . provide such further financial assistance of such amount and on such terms and conditions as**[**F4 INI**]** may think proper.

(10) Any reference in this Article to the acquisition of stocks or shares by**[**F4 INI**]** shall include a reference to such acquisition by a company as nominee of**[**F4 INI**]**.

F3 functions transf. by 2002 c. 1 (NI)
F4 2002 c. 1 (NI)

General powers of industrial development

8 F5**.**—(1) For any of the purposes set out in paragraph (2),**[**F6 INI**]** mayF6. . .

(a) carry on, or establish and carry on, or develop, whether by itself or jointly with any other person, any industrial undertaking;

(b) otherwise promote or assist the establishment, maintenance or development of any industrial undertaking.

(2) The purposes mentioned in paragraph (1) are—

(a) the development or assistance of the economy;

(b) the promotion of industrial efficiency;

(c) the provision, maintenance or safeguarding of employment in Northern Ireland.

(3) Without prejudice to the generality of paragraph (1), in the exercise of its powers under that paragraph**[**F6 INI**]** may—

(a) form bodies corporate;

(b) form partnerships with other persons;

(c) acquire and dispose of plant, machinery and equipment and other property;

(d) make plant, machinery and equipment and other property available for use by other persons;

(e) provide, or assist in the provision of, advisory or other services in relation to finance, management, administration, marketing or organisation of industry.

F5 functions transf. by 2002 c. 1 (NI)
F6 2002 c. 1 (NI)

Assistance for research and development and marketing

9 [F7]**.** **[**[F8]INI**]** may[F8]. . .

(a) encourage and give financial assistance to industrial undertakings in the carrying out of research and development and in the marketing of their products;

(b) encourage and give financial assistance to scientific research and further the dissemination and practical application in industry of the results of scientific research.

F7 functions transf. by 2002 c. 1 (NI)
F8 2002 c. 1 (NI)

Provision of premises and sites

10 [F9]**.**—(1) In order to provide or facilitate the provision in Northern Ireland of premises for occupation by industrial undertakings carried on or to be carried on, or for otherwise meeting the requirements of such undertakings, or for meeting the requirements (including the training) of persons employed or likely to be employed therein,**[**[F10] INI**]** may—

(a) by agreement acquire or take on lease any land or, subject to paragraph (3), acquire land compulsorily;

(b) do anything (whether by itself or in pursuance of an agreement entered into with another person) which is required in order to develop land so acquired or taken on lease; and

(c) dispose of any land so acquired or taken on lease.

(2) **[**[F10]INI**]** may, for the purposes mentioned in paragraph (1),—

(a) enter into an agreement with any person to develop any land, whether or not**[**[F10] INI**]** has any estate in that land, and

(b) do anything which is required in order to develop that land in accordance with such agreement.

[[F10](3) Schedule 2 applies in relation to the acquisition of land otherwise than by agreement under paragraph (1).**]**
Para. (4) rep. by 2002 c. 1 (NI)

(5) Without prejudice to the generality of the power thereby conferred, the power conferred by paragraphs (1) *(b)* and (2) *(b)* shall include power—

(a) to erect or extend buildings;

(b) to carry out works;

(c) to provide, or facilitate the provision of, means of access, services and other facilities;

(d) to modernise, alter, rebuild, repair or keep in repair any premises;

(e) to provide in any such premises such plant or other equipment, fittings or fixtures of a permanent or semi-permanent nature as**[**[F10] INI**]** considers necessary for the proper occupation of the premises.

(6) Without prejudice to paragraph (1) *(c)* or to any other power of disposal,**[**[F10] INI**]** may[F10]. . . subject to such terms and conditions as**[**[F10] INI**]** may think fit, dispose of any land acquired or taken on lease under this Article for the purpose of the provision of any basic service.

Para. (7) rep. by 2002 c. 1 (NI)

F9 functions transf. by 2002 c. 1 (NI)
F10 2002 c. 1 (NI)

Matters to which Department must have regard

11 [F11]**.**—(1) In exercising its functions under Articles 7, 8, and 10**[**[F12] INI**]** shall have regard to any circumstances which, in the opinion of**[**[F12] INI**]**, render it desirable that an industrial undertaking should be established, carried on or developed in some particular locality.

(2) In exercising its functions under Articles 7 and 8, it shall be the duty of**[**[F12] INI**]** to promote the private ownership of interests in industrial undertakings by the disposal of securities and other property held by**[**[F12] INI**]** or any of its subsidiaries.

F11 functions transf. by 2002 c. 1 (NI)
F12 2002 c. 1 (NI)

Financial assistance for basic services

12. Where it appears to any Northern Ireland department that adequate provision has not been made for meeting the requirements of industrial undertakings carried on or to be carried on (including the requirements of persons employed or likely to be employed in such undertakings) in respect of any basic service for which that department is responsible, that department may, in accordance with arrangements approved by the Department of Finance and Personnel and without prejudice to any powers exercisable under any other statutory provision, make grants or loans, or both, towards the cost of providing or improving such basic service in such manner and subject to such terms and conditions (including, in the case of a grant, conditions for repayment in specified circumstances) as it may consider expedient for enabling those provisions or improvements to be made.

Supplementary powers of Department

13 [F13]**.**—(1) **[**[F14]INI**]** may[F14]. . .

(a) incur such expenditure as it considers necessary for the purpose of—

(i) obtaining advice as to the exercise of its functions under this Part;

(ii) promoting, or assisting the promotion of, publicity relating to any of the functions of**[**[F14] INI**]** under this Part;

(iii) making known the scope for industrial development in Northern Ireland, including providing visits to Northern Ireland for any persons if the visits may promote the establishment, carrying on or development of an industrial undertaking likely to provide employment;

(b) carry out or give financial assistance towards the carrying out of such inquiries, investigations and research as**[**[F14] INI**]** considers will further the purposes of this Part;

(c) make such charge for any of its services under this Part as it thinks fit.

(2) **[**[F15]sections 979 to 982 of the Companies Act 2006**]** (power to acquire shares of shareholders dissenting from scheme or contract approved by majority) shall have effect in relation to the transfer of shares or any class of shares in a company to**[**[F14] INI**]** and references to a transferee company in that section shall be construed accordingly.