INDUSTRY

Aid to Industry Order

1953. No. 127

I, THE RIGHT HONOURABLE WILLIAM VICTOR M'CLEERY, D.L., J.P., Minister of Commerce for Northern Ireland, with the approval of the Right Honourable Brian Maginess, Q.C., Minister of Finance for Northern Ireland, in exercise of the powers conferred upon me by the Aid to Industry Act (Northern Ireland), 1953, hereby make the following order, that is to say :—

1. This Order shall be cited as the Aid to Industry Order (Northern Ireland), 1953.

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 ;

" coal " has the meaning assigned to it in the Act, namely :

(*a*) bituminous coal, cannel coal, coke, anthracite ; and

(*b*) manufactured fuel (other than coke) which is carbonised to any extent in the process of manufacture and of which any of the substances mentioned in paragraph (*a*) hereof is the principal constituent ;

" contributions " means the contributions towards the cost incurred in acquiring coal which are authorised by Sub-section 1 of Section 1 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.

" person " includes a limited liability company, a corporation established by Act of Parliament or a Local Authority ;

" Minister " means the Minister of Commerce ;

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" 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.

Registration

3.—(1) The Ministry shall set up and 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 the manufacture of goods for sale or of a process or processes connected with the manufacture of goods for sale, and

(*b*) has during the twelve months ended on the thirtieth day of April, 1953, acquired more than fifty tons of coal solely for the purpose of that business ;

provided that a person who has not acquired fifty tons of coal during the year ended on the thirtieth day of April, 1953, and who has acquired more than fifty tons of coal during either of the years ended on the thirtieth day of April, 1952 or the thirtieth day of April, 1951 and who satisfies the Minister that the normal annual consumption of coal for the purpose of the business exceeds fifty tons a year, may be registered.

(2) A person who cannot be registered under paragraph (1) of this Article by reason only that he has not acquired fifty tons of coal for the purpose of his trade or business in any of the periods specified in that paragraph and who satisfies the Minister that ;

(*a*) the business has been commenced or has been substantially expanded since the first day of May, 1950, and that

(*b*) the normal annual consumption of coal for the purposes of the business exceeds fifty tons, may be registered under this paragraph.

(3) 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.

(4) Where a person entitled to be registered carries on a trade or business in two or more premises he may if he so desires be registered separately in respect of the several premises.

(5) 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 and calculated as in paragraph 6 of this Article.

(6) For the purpose of determining the eligibility of gas consumers and electricity consumers to registration, the Ministry shall, having regard to the information furnished by each gas and electricity undertaking of its rate of production in relation to its consumption of coal, assess an equivalence for that undertaking and the registered consumers supplied by it between a ton of coal and a number of cubic feet of gas or of units of electricity as the case shall require ; and where in the contracts between a gas or electricity undertaking and its consumers there is in operation a " coal clause " providing for a variation in charges according to variations in the price of coal the equivalence between a ton of coal and the number of cubic feet of gas or units of electricity adopted for the purpose of such " coal clause " shall be the equivalence for the purpose of this paragraph unless the Ministry otherwise determines.

(7) The supply of gas or electricity taken by a consumer in any of the periods mentioned in this Article or in a period or periods for which accounts for the supply of gas or electricity are normally furnished to him approximating to any such period shall be taken for the purpose of the provisions of this Order relating to registration to be equivalent to quantities of coal on the equivalence assessed under paragraph (6) of this Article for the undertaking by which he is supplied.

(8) A Gas or an Electricity undertaking which supplies one or more registered persons shall be registered as a gas undertaking or an electricity undertaking as the case may be.

(9) Gas and electricity undertakings shall furnish to the Ministry such information as may be required for the purpose of this Article. The Ministry shall furnish to each registered gas and electricity undertaking a list of the registered persons supplied by that undertaking.

(10) A registered person who does not in any period of two consecutive years ending on the 31st March, 30th June, 30th September or 31st December in any year acquire as provided in this Article a quantity of coal exceeding 100 tons (or the equivalent supply of coal, 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.

Contributions

4.—(1) Contributions may, subject to the provisions of this Order, be paid by the Ministry to registered persons ; provided that contributions payable to gas consumers and electricity consumers may be paid or allowed by way of rebate by the registered gas or electricity undertaking from which they obtain supply.