*This Order shall cease to have effect unless before the expiration of six months from the 22nd day of July 1973 it has been confirmed by a Resolution of each House of Parliament**

1973. No. 255 **[C]**

INDUSTRIAL INVESTMENT

Variation of Rate of Grant

ORDER, DATED 16TH JULY 1973, MADE BY THE MINISTRY OF COMMERCE, WITH THE APPROVAL OF THE MINISTRY OF FINANCE, UNDER SECTION 8 OF THE INDUSTRIAL INVESTMENT (GENERAL ASSISTANCE) ACT (NORTHERN IRELAND) 1966.

The Ministry of Commerce, on behalf of the Secretary of State and in exercise of the powers conferred on it by section 8 of the Industrial Investment (General Assistance) Act (Northern Ireland) 1966(a), and with the approval of the Ministry of Finance, hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Industrial Investment Grant (Variation of Rate) (Amendment) (Renewal) Order (Northern Ireland) 1973 and shall come into operation on the 22nd day of July 1973.

(2) In this Order "the Ministry" means the Ministry of Commerce.

Variation of rate of grant

2.—(1) Subject to Article 3 the rate at which grant is payable under the Industrial Investment (General Assistance) Act (Northern Ireland) 1966 (hereinafter referred to as "the Act of 1966) as amended by the Industrial Investment (Amendment) Act (Northern Ireland) 1971(b) (hereinafter referred to as "the Act of 1971") shall, so far as the expenditure in respect of which the grant is made qualifies for the purposes of this Order, be varied as follows:—

(*a*) Where but for this Order the amount of grant payable under any provision of the Act of 1966 by virtue of section 1(1) of the Act of 1971 in relation to any asset would be 20 per cent of such expenditure, the amount shall be 30 per cent thereof;

(*b*) where but for this Order the amount of any grant so payable would be 35 per cent of such expenditure, the amount shall be 30 per cent thereof.

(2) Expenditure in respect of which a grant is made in relation to an asset qualifies for the purposes of this Order so far as it is incurred on or after the coming into operation thereof.

Saving

3.—(1) Article 2 shall not alter the amount of any grant which may be made in accordance with section 1(1)(*b*) of the Act of 1971 towards approved capital expenditure incurred on or after 22nd July 1973 if the Ministry is satisfied

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(a) 1966. c. 41 (N.I.). (b) 1971. c. 34 (N.I.).

* This confirmation cannot be given so long as section 1 of the Northern Ireland (Temporary Provisions) Act 1972 remains in operation.

(*a*) that the expenditure consists of a sum or sums falling due under a contract made before 27th July 1972; and

(*b*) that the person incurring the expenditure has not done so by reason of anything done, or any transaction entered into, on or after 27th July 1972 by him or his agent;

so however that there shall be disregarded for the purposes of sub-paragraph (*b*) of this paragraph

(i) any transfer of the benefit of a contract to a member of a group by any other member of the group, and

(ii) in the case of a contract subject to a condition precedent, any act done in or towards satisfaction of the condition.

(2) Where under a contract made or varied (whether by agreement or under a power contained in the contract) on or after 27th July 1972 a person incurs expenditure which the Ministry is satisfied is in respect of the supply to that person of works, goods or services in substitution for works, goods or services of the same or a substantially similar description which were to have been supplied to him or, if he is a member of a group, to any other member of the group under a contract made before that date, Article 2 shall not alter the amount of grant which may be made in accordance with section 1(1)(*b*) of the Act of 1971 towards so much of that expenditure as does not exceed the expenditure which he, or as the case may be, the other member of the group would have incurred in respect of the last mentioned works, goods or services.

(3) Where by virtue of paragraphs (1) or (2) the amount of any grant which may be made in accordance with section 1(1)(*b*) of the Act of 1971 towards approved capital expenditure incurred by a person in the provision of an asset imported into the United Kingdom on or after 27th July 1972 is not altered, Article 2 shall not alter the amount of any grant which may be made towards any expenditure incurred by him in respect of duty chargeable on the importation under section 1 of the Import Duties Act 1958(**c**).

(4) For the purposes of this Article a group consists of a body corporate together with all other bodies corporate which are its subsidiaries within the meaning of section 148 of the Companies Act (Northern Ireland) 1960(**d**).

(5) The provisions of this Article are subject to Article 4.

4. Article 3 does not apply to any expenditure where the person applying for grant in respect of that expenditure applies for payment of the amount of grant specified in Article 2.

Sealed with the Official Seal of the Ministry of Commerce this 16th day of July 1973.

(L.S.) *W. McC. Taylor,*
Assistant Secretary.

The Ministry of Finance on behalf of the Secretary of State hereby approves the foregoing Order.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 16th day of July 1973.

(L.S.) *A. J. Green,*
Assistant Secretary.

(**c**) 6 & 7 Eliz. 2. c. 6. (**d**) 1960. c. 22.

EXPLANATORY NOTE

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

This Order has the effect of keeping in operation the provisions of the Industrial Investment Grant (Variation of Rate) (Amendment) Order (Northern Ireland) 1973 which ceases to have effect on and from 22nd July 1973 not having been confirmed by a Resolution of each House of Parliament within the statutory six months period. That Order effected a variation in the rates at which grant is payable under section 1(1) of the Industrial Investment (Amendment) Act (Northern Ireland) 1971 in respect of expenditure incurred after 26th July 1972. Building expenditure incurred as the result of contracts made before 27th July 1972 may continue to qualify for grant at 35 per cent if the applicant so elects and the Ministry is satisfied that a contract so exists.