



# Industry Act 1975

## 1975 CHAPTER 68

### PART V

#### GENERAL AND SUPPLEMENTARY

#### **35 Expenses.**

Any expenses of the Secretary of State or the Minister of Agriculture, Fisheries and Food incurred in consequence of the provisions of this Act, including any increase attributable to those provisions in sums payable under any other Act, shall be defrayed out of money provided by Parliament.

#### **36 Service of documents.**

- (1) Any notice or other document required or authorised by or by virtue of this Act to be served on any person may be served on him either by delivering it to him or by leaving it at his proper address or by sending it by post.
- (2) Any notice or other document so required or authorised to be served on a body corporate or a firm shall be duly served if it is served on the secretary or clerk of that body or a partner of that firm.
- (3) For the purposes of this section, and of [<sup>F1</sup>section 7 of the Interpretation Act 1978] in its application to this section, the proper address of a person, in the case of a secretary or clerk of a body corporate, shall be that of the registered or principal office of that body, in the case of a partner of a firm shall be that of the principal office of the firm, and in any other case shall be the last known address of the person to be served.

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#### **Textual Amendments**

**F1** Words substituted by virtue of [Interpretation Act 1978 \(c. 30, SIF 115:1\)](#), s. 25(2)

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### 37 Interpretation.

(1) In this Act, unless the context otherwise requires—

“accounting year”, in relation to the Board, means, subject to subsection (2) below, the period of twelve months ending with the 31st December in any year, except that the Board’s first accounting year shall end on 31st December 1976;

“enactment” includes an enactment of the Parliament of Northern Ireland or the Northern Ireland Assembly;

“holding company” means a holding company as defined by [<sup>F2</sup>section 736 of the Companies Act 1985] or [<sup>F3</sup>Article 4 of the Companies (Northern Ireland) Order 1986];

“industry” includes any description of commercial activity, and any section of an industry, and “industrial” has a corresponding meaning;

“manufacturing industry” means, subject to subsection (3) below, activities which are described in any of the minimum list headings in Orders III to XIX (inclusive) of the Standard Industrial Classification;

F4

[<sup>F5</sup>“Standard Industrial Classification” means the revised edition published by Her Majesty’s Stationery Office in 1968 of the publication of that name prepared by the Central Statistical Office [<sup>F6</sup>of the Chancellor of the Exchequer];]

“subsidiary” means a subsidiary as defined by [<sup>F7</sup>section 736 of the Companies Act 1985] or [<sup>F8</sup>Article 4 of the Companies (Northern Ireland) Order 1986];

“wholly owned subsidiary” has the meaning assigned to it by [<sup>F9</sup>[<sup>F10</sup>section 736] of the Companies Act 1985] or [<sup>F11</sup>[<sup>F12</sup>Article 4] of the Companies (Northern Ireland) Order 1986]

(2) The Secretary of State may direct that any accounting year of the Board shall end on a date before or after that on which it would otherwise end.

(3) In determining the extent to which an undertaking is engaged in manufacturing industry, the following activities shall be treated as manufacturing industry so far as they relate to products manufactured or to be manufactured by the undertaking—

- research,
- transport,
- distribution,
- repair and maintenance of machinery.
- sales and marketing,
- storage,
- mining and quarrying,
- production and distribution of energy and heating,
- administration,
- training of staff,
- packaging.

(4) Securities and other property are publicly owned for the purposes of this Act if they are held—

- (a) by or on behalf of the Crown;

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- (b) by a company all of whose shares are held by or on behalf of the Crown or by a wholly owned subsidiary of such a company;
  - (c) by any corporation constituted by or under any enactment under which an industry or part of an industry is carried on by that corporation under national ownership or control; or
  - (d) by a wholly owned subsidiary of any such corporation.
- (5) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended, applied or extended by or under any other enactment, including this Act.

#### Textual Amendments

- F2** Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), [Sch. 2](#)
- F3** Words substituted by [S.I. 1986/1035, art. 23](#), [Sch. 1 Pt. II](#)
- F4** Definitions repealed by [Industry Act 1980 \(c. 33, SIF 64\)](#), [Sch. 2](#)
- F5** Definition substituted (E.W.)(S.) by Co-operative [Development Agency and Industrial Development Act 1984 \(c. 57\)](#), SIF 64), [Sch. 1 Pt. II para. 1](#)
- F6** Words inserted by [S.I. 1989/992, art. 6\(4\)](#), [Sch. 2 para. 2](#)
- F7** Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), [Sch. 2](#)
- F8** Words substituted by [S.I. 1986/1035, art. 23](#), [Sch. 1 Pt. II](#)
- F9** Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), [s. 30](#), [Sch. 2](#)
- F10** Words substituted by [Companies Act 1989 \(c. 40, SIF 27\)](#), [s. 144\(4\)](#), [Sch. 18 para. 11](#) (subject to the transitional provisions referred to in [S.I. 1990/1392, arts. 2\(d\)](#), 6)
- F11** Words substituted by [S.I. 1986/1035, art. 23](#), [Sch. 1 Pt. II](#)
- F12** Words in [s. 37\(1\)](#) in definition of "wholly owned subsidiary" substituted (20.5.1991) by [S.I. 1990/1504 \(N.I. 10\)](#), [art. 62\(4\)](#), [Sch. 3 para. 5](#); [S.R. 1991/153, art.2\(a\)](#)

### 38 Orders.

- (1) Any power to make an order conferred by this Act shall be exercisable by statutory instrument.
- (2) Any power to make an order conferred by any provision of this Act shall include power to make an order varying or revoking any order previously made under that provision.
- (3) It is hereby declared that any power of giving directions or making determinations conferred on the Secretary of State by any provision of this Act includes power to vary or revoke directions or determinations given or made under that provision.

### 39 Citation etc.

- (1) This Act may be cited as the Industry Act 1975.
- (2) ..... <sup>F13</sup>
- (3) The enactments specified in Schedule 8 to this Act are repealed to the extent mentioned in column 3 of that Schedule.
- (4) It is hereby declared that this Act extends to Northern Ireland.

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- (5) Notwithstanding the provisions—
- (a) of section 12(3) of the<sup>M1</sup> Statutory Orders (Special Procedure) Act 1945, . . .<sup>F14</sup>
- (b) . . . . .<sup>F15</sup>
- the former Act shall apply to any compensation order which extends to Northern  
Ireland, . . .<sup>F16</sup>
- (6) This Act shall come into force on such day as the Secretary of State may by order  
made by statutory instrument appoint.
- (7) An order under subsection (6) above may appoint different days for different  
provisions and for different purposes.

#### Textual Amendments

- F13** S. 39(2) repealed by [Industrial Development Act 1982 \(c. 52, SIF 64\)](#), [Sch. 2 Pt. I](#), [Sch. 3](#)
- F14** Word repealed by [Industry Act 1980 \(c. 33, SIF 64\)](#), [Sch. 2](#)
- F15** S. 39(5)(b) repealed by [Industry Act 1980 \(c. 33, SIF 64\)](#), [Sch. 2](#)
- F16** Words repealed by [Industry Act 1980 \(c. 33, SIF 64\)](#), [Sch. 2](#)

#### Modifications etc. (not altering text)

- C1** The text of ss. 23–26, 39(3), Sch. 1 para. 11, Sch. 3 paras. 9, 10 and Schedule 8 is in the form in  
which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any  
amendments or repeals which may have been made prior to 1.2.1991.
- C2** Power of appointment conferred by s. 39(6) fully exercised: [S.I. 1975/1881](#)

#### Marginal Citations

- M1** [1945 c. 18 \(9 & 10 Geo. 6\)](#).

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