



# Industrial Development Act 1982

## 1982 CHAPTER 52

An Act to consolidate, with certain exceptions, the Local Employment Act 1972, Parts I and II of the the Industry Act 1972, section 18 of the Industry Act 1980, section 6 of the Industry Act 1981 and related enactments.] [28th October 1982]

### Modifications etc. (not altering text)

- C1** Act (with the exceptions of ss. 1, 8(5) and (7), 10, 15 and 16): functions modified (1.7.1999) by [S.I. 1999/672, art. 2, Sch. 1](#)
- C2** Act (with exceptions in ss. 1, 8(5)(7), 10, 15, 16): functions modified (1.7.1999) by [S.I. 1999/672, art. 2, Sch. 1](#)

### Commencement Information

- II** Act wholly in force at 29.1.83; see [s. 20\(2\)](#)

## PART I

### ASSISTED AREAS

#### 1 Development areas, special development areas and intermediate areas.

- (1) For the purposes of this Act, and of any other enactment referring to development areas or intermediate areas under this Act, the Secretary of State may by order specify any area of Great Britain as—
  - (a) a development area; or
  - (b) an intermediate area.
- (2) For the purposes of Part II of this Act the Secretary of State may by order designate a development area or any part of it as a special development area.
- (3) In exercising his powers under the preceding provisions of this section the Secretary of State shall have regard to all the circumstances actual and expected, including the state

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of employment and unemployment, population changes, migration and the objectives of regional policies.

[<sup>F1</sup>(4) An order under this section may describe a development area, intermediate area or, as the case may be, special development area by reference to any of the following kinds of area or any combination of those areas, that is to say—

- (a) wards;
- (b) travel to work areas (being areas by reference to which the Secretary of State publishes unemployment statistics);
- (c) any other area which has been created by, or exists or existed for the purposes of, any Act or statutory instrument (whenever passed or made);

and any order under this section may provide for any reference in the order to any named area or combination of areas to be construed as a reference to that area or combination of areas as it or they existed on a date specified in the order.]

(5) An order under this section may contain such transitional provisions as respects grant under Part II of this Act as appear to the Secretary of State to be appropriate in connection with any [<sup>F2</sup>variation] effected by the order in the areas which are assisted areas of any particular category [<sup>F3</sup>but no provision shall be made having the effect of reducing the amount of grant payable on current projects except in the case of anticipatory projects (as defined in section 5(1) and (6) below).]

[<sup>F4</sup>(6) Without prejudice to the generality of subsection (5) above the transitional provisions as respects grant under Part II of this Act may include provision for the attribution of part of an anticipatory project to the period before the variation takes effect and its approval in accordance with the attribution.]

(7) An order under this section shall be contained in a statutory instrument which, subject to subsection (8) below, shall be subject to annulment in pursuance of a resolution of either House of Parliament, and an order made under subsection (2) above may contain such incidental and supplemental provisions as appear to the Secretary of State to be appropriate.

(8) A statutory instrument shall not, by reason of its designating any area as a special development area, be subject to annulment in pursuance of a resolution of either House of Parliament if, by reason of its other provisions, a draft of the order contained in the instrument is required to be approved in pursuance of [<sup>F5</sup>section 5(8)(b)] below by a resolution of each House.

#### Textual Amendments

- F1** S. 1(4) substituted (with saving) by Co-operative [Development Agency and Industrial Development Act 1984 \(c. 57, SIF 64\)](#), **ss. 4, 7(1)(b)**
- F2** Word substituted by Co-operative [Development Agency and Industrial Development Act 1984 \(c. 57, SIF 64\)](#), s. 5, **Sch. 1 Pt. II para. 4(a)**
- F3** Words added by Co-operative [Development Agency and Industrial Development Act 1984 \(c. 57, SIF 64\)](#), s. 5, **Sch. 1 Pt. II para. 4(a)**
- F4** S. 1(6) substituted by Co-operative [Development Agency and Industrial Development Act 1984 \(c. 57, SIF 64\)](#), s. 5, **Sch. 1 Pt. II para. 4(b)**
- F5** Words substituted by by Co-operative [Development Agency and Industrial Development Act 1984 \(c. 57, SIF 64\)](#), s. 5, **Sch. 1 Pt. II para. 4(c)**

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

- C3** S. 1(1) restricted by [Regional Development Grants \(Termination\) Act 1988 \(c. 11, SIF 64\)](#), **s. 1(4)(a)**  
**C4** S. 1(2) restricted by [Regional Development Grants \(Termination\) Act 1988 \(c. 11, SIF 64\)](#), **s. 1(4)(b)**

[<sup>F6</sup> **PART II**

**REGIONAL DEVELOPMENT GRANTS**

**Textual Amendments**

- F6** Pt. II (ss. 2—6) substituted by Co-operative [Development Agency and Industrial Development Act 1984 \(c.57, SIF 64\)](#), s. 5, **Sch. 1 Pt. I** (subject to modifications in s. 5(3)(4))

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

- C5** Pt. II (ss. 2—6) excluded retrospectively by [S.I. 1984/1845](#), **arts. 4(1)(2), 7(1), 8** (as substituted retrospectively by [S.I. 1986/128](#) art. 3(1)(d)(2))  
**C6** Pt. II (ss. 2—6) modified by [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. 67(3), **Sch. 8 para. 37(1)**  
**C7** Pt. II (ss. 2—6) restricted by [Regional Development Grants \(Termination\) Act 1988 \(c. 11, SIF 64\)](#), **ss. 1(2)(3), 2**  
**C8** Pt. II (ss. 2—6) modified by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(3), **Sch. 17 paras. 35(1), 38(1)**

**2 Grants for projects of investment in development areas.**

- (1) The Secretary of State may, in accordance with this Part of this Act, make a grant to a person in respect of the carrying out of a project of investment in the productive capacity or productive processes of an undertaking in a development area.
- (2) Productive capacity and productive processes include respectively both the capacity to produce and the process of producing goods and the capacity to provide and the process of providing services, and the investment may be investment in a new or in an existing undertaking.
- (3) Grant is payable both in respect of capital expenditure on the provision of assets and in respect of the provision of jobs comprised in a project, and the assets or jobs may be provided in more than one development area.
- (4) A project is not eligible for grant unless or except to the extent the Secretary of State approves the project for grant, but his approval may be given where the project has been wholly or partly carried out as well as where the project is to be carried out.
- (5) An application for approval of a project for grant shall be made in such form or manner, and shall contain such particulars and be accompanied by such documents, as the Secretary of State may direct and, in the case of a project which has been wholly or partly carried out, shall be made within such time as the Secretary of State may direct.
- (6) Where the Secretary of State decides to make a grant in respect of an approved project, grant shall be payable in accordance with the terms of the approval notified to the applicant and the provisions made by or under Part I or this Part of this Act unaffected (except as provided by any transitional provision of the order) by any changes effected

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by an order under section 1 above or section 5 below after the date which is for the purposes of section 3 below the qualifying date for the project.

(7) In this Part of this Act—

“asset” means machinery, plant, buildings or works and “machinery”, “plant”, “building” and “works” include part of any machinery, plant building or works respectively;

“expenditure”, in relation to an asset provided by being manufactured, constructed or devised by any person, includes such sum as appears to the Secretary of State to be properly attributable to its provision by that person in that manner, and the sum so attributed shall be treated as having been paid at such time as the Secretary of State may direct;

“jobs”, subject to sections 3(5) and 5(9)(e) below, means full-time jobs;

“produce”, “product” and “productive” are to be construed in accordance with subsection (2) above;

“provision” or “provide”—

- (a) in relation to jobs, includes provision by way of maintaining or safeguarding jobs;
- (b) in relation to machinery or plant, means the provision of unused machinery or plant; and
- (c) in relation to a building, includes provision by the adaptation of an existing one, or by the purchase of a new one, that is to say one not previously occupied, or, if previously occupied then only by the purchaser, and only as part of arrangements made in contemplation of purchase;

“undertaking” includes an undertaking carried on otherwise than for profit.

### **3 Approval of projects by Secretary of State.**

(1) The Secretary of State may approve a project for grant if, in his opinion, the project satisfies or, as the case may be, satisfied the following conditions at the qualifying date, that is to say—

- (a) its purposes are to create new or expand existing productive capacity or to effect a change in the product or in the process of producing it;
- (b) the activities to which it relates are to be qualifying activities; and
- (c) the assets or jobs to be provided are to be, in the case of assets, situated or used in a development area or, in the case of jobs, carried out in a development area.

(2) If, as regards any project—

- (a) most but not all the activities to which it relates are to be qualifying activities, or
- (b) most but not all the assets or jobs are to be, in the case of assets, situated or used or, in the case of jobs, carried out in a development area,

the Secretary of State may approve for grant so much of the project as, in his opinion, satisfies or, as the case may be, satisfied the conditions specified in subsection (1) above at the qualifying date except that he may, to such extent as he thinks fit, treat as qualifying activities those which are not and give his approval accordingly.

(3) For the purposes of this section the qualifying date as at which a project is required to satisfy the said conditions is—

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- (a) in the case of a project the whole of which, at the date of the application for approval, is to be carried out, the date of the receipt of the application;
  - (b) in the case of a project which has been wholly carried out at the date of the application for approval, the date when the first asset or job was provided under the project or, if earlier, the date when expenditure was first defrayed on the provision of any asset comprised in the project;
  - (c) in the case of a project which has been partly carried out at the date of the application for approval, the date when the first asset or job was provided under the project or, if earlier, the date when expenditure was first defrayed on the provision of any asset comprised in the project.
- (4) In approving a project for grant the Secretary of State shall determine as the basis for the payment of grant what, in his opinion, is—
- (a) the amount of capital expenditure on assets to be provided by the project;
  - (b) the number of jobs to be provided by the project.
- (5) In making a determination under subsection (4) above the Secretary of State may—
- (a) in the case of a determination under paragraph (a), take account of the provision of assets of some classes or descriptions but not others; and
  - (b) in the case of a determination under paragraph (b), take account of the provision of jobs in one way but not another, aggregate jobs which are less than full-time and make such other allowance for the effects of the project on employment in any development area or intermediate area or in any part of Northern Ireland as he considers appropriate.
- (6) Except in the case of a project which has been wholly carried out, the Secretary of State may, in determining under subsection (4) above the amount of capital expenditure on assets or the number of jobs, direct that his approval will extend, if he so determines at any time, to such additional assets or jobs as he indicates in the direction.
- (7) It shall be a term of any approval for grant of a project which includes the provision of assets that the amount of capital expenditure approved by the Secretary of State shall be subject to revision as the project is carried out.

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

**C9** S. 3(6)(7) restricted by [Regional Development Grants \(Termination\) Act 1988 \(c. 11, SIF 64\)](#), s. 2(6)

#### **4 Amount and payment of grants.**

- (1) Subject to any transitional provision under section 1 above or section 5 below and to any reduction in any of the following amounts required to give effect to any Community obligation, the amount of grant payable in respect of an approved project shall be—
- (a) in the case of a project which is eligible for grant in respect of both capital expenditure on assets and jobs provided, the higher of—
    - (i) the amount which represents the prescribed percentage of the approved amount of capital expenditure reduced, where a prescribed limit for capital expenditure is applicable, by such amount as is required to be deducted to give effect to that limit; and

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- (ii) the amount produced by multiplying the approved number of jobs by the prescribed amount;
- (b) in the case of a project which is eligible for grant only in respect of capital expenditure, the amount which represents the prescribed percentage of the approved amount of capital expenditure reduced, where a prescribed limit for capital expenditure is applicable, by such amount as is required to be deducted to give effect to that limit;
- (c) in the case of a project which is eligible for grant only in respect of jobs provided, the amount produced by multiplying the approved number of jobs by the prescribed amount.
- (2) Where the Secretary of State approves for grant a project which has been wholly or partly carried out the amount of grant payable in respect of the project or so much of it as has been carried out shall be such amount as is produced by applying subsection (1) above as at the date which is for the purposes of section 3 above the qualifying date for the project and making such adjustments (if any) as would have been required to be made by any transitional provision made applicable to current projects.
- (3) Except in the case of a project which has been wholly carried out, grant shall be paid, subject to sub-section (4) below, at such times as the Secretary of State determines.
- (4) Grant in respect of capital expenditure on the provision of any asset may be paid at any time after the time when, in the opinion of the Secretary of State, the asset is provided or the expenditure is defrayed and grant in respect of any job may be paid at any time after the time when, in his opinion, the job is provided.
- (5) At any time at which subsection (1) above falls to be applied to determine the amount of grant payable at that time in respect of the carrying out of an approved project—
- (a) “the approved amount of capital expenditure” is the amount determined by the Secretary of State under section 3(4) above in approving the project for grant subject, as respects a project the whole or any part of which, at the date of approval, is to be carried out, to any adjustment falling to be made at that time under either or both of subsections (6) and (7) of that section;
- (b) “the approved number of jobs” is the number determined by the Secretary of State under section 3(4) above in approving the project for grant subject, as respects a project the whole or any part of which, at the date of approval, is to be carried out, to any adjustment falling to be made at that time under subsection (6) of that section;
- and paragraph (a), (b) or (c) of subsection (1) above (with any increase or reduction required by any transitional provision and any reduction to give effect to any Community obligation then in force) shall be applied accordingly subject to any adjustments falling to be made to take account of any previous payments of grant and to any final adjustment which is required to give effect to that subsection.

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

**C10** S. 4 amended by [Regional Development Grants \(Termination\) Act 1988 \(c. 11, SIF 64\)](#), s. 2(6)

**5 Provisions supplementary to ss. 3 and 4.**

- (1) For the purposes of sections 3 and 4 above—

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- (a) “qualifying activities” are such activities as are specified by order of the Secretary of State made with the consent of the Treasury;
- (b) “the prescribed percentage” for capital expenditure on the provision of assets is such percentage as is prescribed by order of the Secretary of State made with the consent of the Treasury;
- (c) “the prescribed amount” for jobs provided is such amount as is prescribed by order of the Secretary of State made with the consent of the Treasury; and
- (d) a “prescribed limit” for capital expenditure is such amount as is prescribed by order of the Secretary of State made with the consent of the Treasury in relation to any specified class of undertaking in any specified circumstances as a limit on the amount of grant payable in respect of capital expenditure on the provision of assets;

and “anticipatory project”, in relation to a variation of the qualifying activities, the prescribed percentage, the prescribed amount or a prescribed limit, means a project whose qualifying date falls in the period beginning with the making or, as the case may be, the laying in draft of the order and ending with the date on which the variation takes effect, with a corresponding meaning in relation to a variation under section 1 above in the areas which are assisted areas of any particular category.

- (2) An order under subsection (1)(a) above may—
  - (a) specify the activities which are to be qualifying activities by reference to any specified edition or amended edition of the publication known as the Standard Industrial Classification or any other like publication of any government department and with or without modifications specified in the order;
  - (b) if it varies any qualifying activities, contain such transitional provisions as respects grant as appear to the Secretary of State to be appropriate in connection with the change.
- (3) An order under subsection (1)(b) above may—
  - (a) prescribe different percentages for different classes of asset;
  - (b) prescribe different percentages for assets situated or used in development areas and for assets situated or used in special development areas;
  - (c) if it varies the percentage prescribed by a previous order, contain such transitional provisions as respects grant as appear to the Secretary of State to be appropriate in connection with the change.
- (4) An order under subsection (1)(c) above may—
  - (a) prescribe different amounts for jobs carried out in development areas and for jobs carried out in special development areas;
  - (b) if it varies the amount prescribed by a previous order, contain such transitional provisions as respects grant as appear to the Secretary of State to be appropriate in connection with the change.
- (5) An order under subsection (1)(d) above may—
  - (a) prescribe different amounts for different classes of undertaking;
  - (b) contain such incidental and supplemental provisions as appear to the Secretary of State to be appropriate;
  - (c) if it varies any amount prescribed by a previous order, contain such transitional provisions as respects grant as appear to the Secretary of State to be appropriate in connection with the change.
- (6) Transitional provisions under subsection (2)(b), (3)(c), (4)(b) or (5)(c) may—

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- (a) provide for the attribution of part of an anticipatory project to the period before the variation takes effect and its approval in accordance with the attribution; and
  - (b) apply increases or, in the case of anticipatory projects, reductions in a percentage, amount or limit to current projects, that is to say, projects for which applications for approval for grant have been received or which are in the process of being carried out.
- (7) Different transitional provisions as respects grant may be made under subsection (2) (b), (3)(c), (4)(b) or (5)(c) above in relation to projects in different circumstances.
- (8) An order of the Secretary of State under any provision of subsection (1) above shall be made by statutory instrument and—
- (a) in the case of an order under paragraph (a), the instrument containing it shall be subject to annulment in pursuance of a resolution of either House of Parliament; and
  - (b) in the case of an order under paragraph (b), (c) or (d), the order shall not be made unless a draft of it has been approved by resolution of each House of Parliament.
- (9) The Secretary of State may give directions, which may be general directions or directions concerning a particular case, as respects the determination of—
- (a) any question as to the classification of an asset as between the following three classes, that is to say—
    - machinery or plant;
    - buildings;
    - works;
  - (b) any question as to the area in which an asset is to be treated as situated or used;
  - (c) any question as to the area in which a job is to be treated as carried out;
  - (d) any question whether and in what circumstances a project is to be treated as providing an asset or a job;
  - (e) the number of jobs a project is to be treated as providing where some of them are less than full-time.

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

**C11** S. 5: functions modified (1.7.1999) by S.I. 1999/672, art. 2, Sch.1

**C12** S. 5(1)—(8) restricted by Regional Development Grants (Termination) Act 1988 (c. 11, SIF 64), s. 1(4)(c)

## 6 Conditions.

- (1) The making of a grant may be subject to conditions imposed by the Secretary of State and he may impose them when he approves the project for grant or on paying grant in respect of it.
- (2) The Secretary of State may in particular impose a condition for repayment of all or any part of a grant in the event of non-compliance with some other condition subject to which it was made or in the event of an over-payment of grant.



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- (3) Schedule 1 shall have effect for supplementing the provisions of this section about the imposition of conditions.]

### PART III

#### FINANCIAL ASSISTANCE FOR INDUSTRY

#### 7 Selective financial assistance for industry in assisted areas.

- (1) For the purposes set out in the following provisions of this section the Secretary of State may, with the consent of the Treasury, provide financial assistance where, in his opinion—
- (a) the financial assistance is likely to provide, maintain or safeguard employment in any part of the assisted areas; and
  - (b) the undertakings for which the assistance is provided are or will be wholly or mainly in the assisted areas.
- (2) The purposes mentioned in subsection (1) above are—
- (a) to promote the development or modernisation of an industry;
  - (b) to promote the efficiency of an industry;
  - (c) to create, expand or sustain productive capacity in an industry, or in undertakings in an industry;
  - (d) to promote the reconstruction, reorganisation or conversion of an industry or of undertakings in an industry;
  - (e) to encourage the growth of, or the proper distribution of undertakings in, an industry;
  - (f) to encourage arrangements for ensuring that any contraction of an industry proceeds in an orderly way.
- (3) Subject to the following provisions of this section, financial assistance under this section 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 acquisition of loan or share capital in any company, including an acquisition effected by the Secretary of State through another company, being a company formed for the purpose of giving financial assistance under this Part of this Act or Part II of the <sup>M1</sup>Industry Act 1972,
  - (b) investment by the acquisition of any 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) Financial assistance shall not be given under this section in the way described in subsection (3)(a) above unless the Secretary of State is satisfied that it cannot, or cannot appropriately, be so given in any other way; and the Secretary of State, in giving financial assistance in the way so described, shall not acquire any shares or stock in a company without the consent of that company.

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- (5) In this section “industry”, unless the context otherwise requires, includes any description of commercial activity, and references to an industry include references to any section of an industry.
- (6) In this section “the assisted areas” means the development areas, the intermediate areas and Northern Ireland.

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

- C13** S. 7: functions transferred (1.7.1999) by 1998 c. 46, **ss. 53, 56(1)(h)** (with **ss. 54, 126(3)-(11)**, **Sch. 4 Pt. III paras. 12-14**); S.I. 1998/3178, **art. 3**.  
S. 7: functions modified (1.7.1999) by S.I. 1999/672, **art. 2, Sch. 1**
- C14** S. 7: certain functions made exercisable concurrently by the Scottish Ministers and a Minister of the Crown (27.6.2002) by **The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2002 (S.I. 2002/1630)**, **art. 2, Sch.**

#### **Marginal Citations**

- M1** 1972 c. 63.

## **8 Selective financial assistance: general powers.**

- (1) For the purposes set out in subsection (2) of section 7 above the Secretary of State may, with the consent of the Treasury, provide financial assistance where, in his opinion—
- the financial assistance is likely to benefit the economy of the United Kingdom, or of any part or area of the United Kingdom; and
  - it is in the national interest that the financial assistance should be provided on the scale, and in the form and manner, proposed; and
  - the financial assistance cannot, or cannot appropriately, be so provided otherwise than by the Secretary of State.
- (2) Financial assistance under this section may, subject to the following provisions of this section, be given in any of the ways set out in subsection (3) of section 7 above; but the Secretary of State shall not under this section use any money for the acquisition or assistance of banks or insurance companies.
- (3) Financial assistance shall not be given under this section in the way described in subsection (3)(a) of section 7 above unless the Secretary of State is satisfied that it cannot, or cannot appropriately, be so given in any other way; and the Secretary of State, in giving financial assistance in the way so described, shall not acquire any shares or stock in a company without the consent of that company.
- (4) The aggregate of—
- the sums paid by the Secretary of State under this section or section 8 of the <sup>M2</sup>Industry Act 1972, other than sums paid in respect of foreign currency guarantees, and
  - the liabilities of the Secretary of State under any guarantees given by him under this section or that section, (exclusive of any liability in respect of interest on a principal sum so guaranteed and of any liability under a foreign currency guarantee),
- less any sum received by the Secretary of State by way of repayment of loans under this section or that section, or repayment of principal sums paid to meet a guarantee

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under this section or that section (other than a foreign currency guarantee), shall not at any time exceed the limit specified in subsection (5) below.

[<sup>F7</sup>(5) The limit shall be £ 3,700 million, but the Secretary of State may, on not more than four occasions, by order made with the consent of the Treasury increase or further increase that limit by a sum specified in the order, being a sum not exceeding £ 600 million.]

(6) Subject to section 9 below, the aggregate of—

- (a) the liabilities of the Secretary of State under foreign currency guarantees (exclusive of any liability in respect of interest on a principal sum guaranteed by him under this section or section 8 of the <sup>M3</sup>Industry Act 1972), and
- (b) any sums paid by the Secretary of State in respect of foreign currency guarantees,

less any sums received by the Secretary of State by way of repayment of principal sums paid to meet foreign currency guarantees, shall not at any time exceed the limit specified in subsection (7) below.

(7) The said limit shall be 1,000 million special drawing rights, but the Secretary of State may, on not more than four occasions, by order made with the consent of the Treasury increase or further increase that limit by an amount specified in the order, being an amount not exceeding 500 million special drawing rights.

(8) Subject to subsection (9) below, the sums which the Secretary of State pays or undertakes to pay by way of financial assistance under this section in respect of any one project, excluding sums paid or to be paid in respect of foreign currency guarantees, shall not exceed £10 million, except so far as any excess over the said sum of £10 million has been authorised by a resolution of the Commons House of Parliament.

(9) Subsection (8) above shall not apply where the Secretary of State is satisfied that the payment or undertaking is urgently needed at a time when it is impracticable to obtain the approval of the Commons House of Parliament; and in that case the Secretary of State shall lay a statement concerning the financial assistance before each House of Parliament.

(10) An order under subsection (5) or (7) above shall be contained in a statutory instrument; and such an order shall not be made unless a draft of the order has been approved by a resolution of the Commons House of Parliament.

(11) In this section—

“foreign currency” means any currency other than sterling, including special drawing rights;

“foreign currency guarantee” means a guarantee given under that section or section 8 of the <sup>M4</sup>Industry Act 1972 by the Secretary of State under which his liability is measured in a foreign currency, whether or not it is to be discharged in a foreign currency, and for this purpose—

- (a) a liability measured in sterling but expressed to be subject to a limit in a foreign currency shall be taken to be measured in foreign currency, and
- (b) a liability measured in foreign currency but expressed to be subject to a limit in sterling shall be taken to be measured in sterling;

“guarantee” includes any form of insurance.

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#### Textual Amendments

**F7** S. 8(5) substituted (8.5.2003) by [Industrial Development \(Financial Assistance\) Act 2003 \(c. 11\), s. 1](#)

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

**C15** S. 8: functions transferred (1.7.1999) by [1998 c. 46, ss. 53, 56\(1\)\(h\)](#) (with [ss. 54, 126\(3\)-\(11\)](#), [Sch. 4 Pt. III paras. 12-14](#)); [S.I. 1998/3178, art. 3](#).

**C16** S. 8 modified (W.) (1.7.1999) by [S.I. 1999/672, art. 5, Sch. 2](#)

**C17** S. 8 (except subsections (5) and (7)): functions modified (1.7.1999) by [S.I. 1999/672, art. 2, Sch. 1](#)

**C18** S. 8(1): certain functions made exercisable concurrently by the Scottish Ministers and a Minister of the Crown (27.6.2002) by [The Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 2002 \(S.I. 2002/1630\), art. 2, Sch.](#)

**C19** S. 8(5)(7): functions modified (1.7.1999) by [S.I. 1999/672, art. 5, Sch. 2](#)

#### Marginal Citations

**M2** [1972 c. 63](#).

**M3** [1972 c. 63](#).

**M4** [1972 c. 63](#).

## 9 Limit on foreign currency liabilities: supplementary provisions.

- (1) The amount to be taken into account under section 8(6) above at any time in respect of a liability of the Secretary of State shall, if the amount of the liability is not expressed in special drawing rights, be the equivalent at that time in special drawing rights of the amount of the liability.
- (2) The equivalent in special drawing rights of the amount of a liability shall be determined by the Secretary of State—
  - (a) by reference to the day on which the guarantee is given, and
  - (b) by reference to the last day of each quarter at the end of which the guarantee remains in force,
 and shall be so determined having regard to what appears to him to be the appropriate rate of exchange.
- (3) A determination made under subsection (2)(a) above shall take effect as from the day by reference to which it is made and (unless it ceases to be required at an earlier date) shall remain in force until the end of the quarter in which the guarantee is given.
- (4) A determination made by reference to the last day of the quarter under subsection (2)(b) above shall take effect as from the end of that quarter and (unless it ceases to be required at an earlier date) shall remain in force throughout the next succeeding quarter.
- (5) The amount to be taken into account under section 8(6) above in respect of a sum paid or received by the Secretary of State otherwise than in special drawing rights shall be an amount determined by him, by reference to the day of payment or receipt and having regard to what appears to him to be the appropriate rate of exchange, as being the equivalent in special drawing rights of that sum.
- (6) The limit imposed by section 8(6) above may be exceeded if the excess is attributable only to, or to a combination of—
  - (a) a quarterly revaluation;

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- (b) the Secretary of State's liability under a guarantee given in pursuance of a previous undertaking of his, so far as the amount to be taken into account for the purposes of the limit in respect of the liability exceeds what it would have been if determined by reference to the day on which the undertaking was given;
  - (c) a payment made by the Secretary of State under a guarantee, so far as the amount to be taken into account for the purposes of the limit in respect of the payment exceeds what it would have been if determined by reference to the day on which the guarantee was given.
- (7) In this section—
- “guarantee” has the same meaning as in section 8 above;
  - “quarter” means a quarter ending with 31st March, 30th June, 30th September or 31st December in any year;
  - “quarterly revaluation” means a determination made, or (in relation to any time in the quarter current at the commencement of this Act) having effect as if made, under subsection (2)(b) above.

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

**C20** S. 9: functions transferred (1.7.1999) by 1998 c. 46, **ss. 53, 56(1)(h)** (with **ss. 54, 126(3)-(11)**, Sch. 4 Pt. III paras. 12-14); S.I. 1998/3178, **art. 3**.

## 10 Industrial Development Advisory Board.

- (1) There shall continue to be a board called the Industrial Development Advisory Board appointed by the Secretary of State to advise him with respect to the exercise of his functions under sections 7 and 8 above.
- (2) The Board shall consist of a chairman and not less than six nor more than twelve other members.
- (3) The members of the Board shall include persons who appear to the Secretary of State to have wide experience of, and to have shown capacity in, industry, banking, accounting and finance.
- (4) If the Board make a recommendation with respect to any matter at the request of the Secretary of State and the Secretary of State exercises his functions under sections 7 and 8 above contrary to their recommendation, he shall, if the Board so request, lay a statement as to the matter before Parliament.

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

**C21** S. 10: Functions of Minister of the Crown transferred (1.7.1999) to Scottish Ministers by 1998 c. 46, **ss. 53, 56(1)(h)** (with **ss. 54, 126(3)-(11)**, Sch. 4 Pt. III paras. 12-14); S.I. 1998/3178, **art. 3**.

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## PART IV

### MISCELLANEOUS

#### *General assistance for industry*

#### 11 Advice for businesses.

- (1) The Secretary of State may make provision for the giving of advice (whether free of charge or otherwise) to persons carrying on or proposing to carry on a business.
- (2) Not later than six months after the end of any financial year in which this power is used the Secretary of State shall prepare and lay before Parliament a report on the exercise during the year of his powers under this section.
- (3) In the application of this section to a financial year beginning before the commencement of this Act, the reference in subsection (2) above to the Secretary of State's powers under this section shall include a reference to his powers under section 18 of the <sup>M5</sup>Industry Act 1980.

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

**C22** S. 11: functions transferred (1.7.1999) by 1998 c. 46, ss. 53, 56(1)(h) (with ss. 54, 126(3)-(11), Sch. 4 Pt. III paras. 12-14); S.I. 1998/3178, art. 3.

#### **Marginal Citations**

**M5** 1980 c. 33.

#### 12 Powers to promote careers in industry etc.

- (1) The Secretary of State may make such grants or loans to any body as he considers appropriate for the purpose of assisting in—
  - (a) the promotion of the practice of engineering;
  - (b) the encouragement and improvement of links between industry, or any part of industry, and bodies or individuals concerned with education;
  - (c) the encouragement of young persons and others to take up careers in industry, or in any part of industry, and to pursue appropriate educational courses.
- (2) Any grants under this section may be made on such conditions, and any loans under this section may be made at such rates of interest, as the Secretary of State may with the approval of the Treasury determine.
- (3) The Secretary of State shall not determine a rate of interest in respect of a loan under this section which is lower than the lowest rate for the time being determined by the Treasury under section 5 of the <sup>M6</sup>National Loans Act 1968 in respect of comparable loans out of the National Loans Fund.
- (4) The Secretary of State may, with the approval of the Treasury, guarantee obligations (arising out of loans) incurred by any body which falls within subsection (5) below and which in his opinion is concerned with promoting the practice of engineering.
- (5) A body falls within this subsection if—

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- (a) it is established by Royal Charter; and
- (b) its members are for the time being appointed by the Secretary of State.

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

- C23** S. 12: functions transferred (1.7.1999) by 1998 c. 46, ss. 53, 56(1)(h) (with ss. 54, 126(3)-(11), Sch. 4 Pt. III paras. 12-14); S.I. 1998/3178, art. 3.
- C24** S. 12: functions modified (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

**Marginal Citations**

- M6** 1968 c. 13.

### 13 Improvement of basic services.

- (1) Where it appears to the Minister in charge of any government department that adequate provision has not been made for the needs of any development area or intermediate area in respect of a basic service for which the department is responsible, and that it is expedient with a view to contributing to the development of industry in that area that the service should be improved, he may with the consent of the Treasury make grants or loans towards the cost of improving it to such persons and in such manner as appear to him appropriate.
- (2) In this section “basic service” means the provision of facilities for transport (whether by road, rail, water or air) or of power, lighting, heating, water, or sewerage, and sewage disposal facilities, or any other service or facility on which the development of the area in question, and in particular of industrial undertakings therein, depends.
- (3) The powers conferred by this section are in addition to any other powers of a Minister of the Crown to make grants or loans.

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

- C25** S. 13: functions transferred (1.7.1999) by 1998 c. 46, ss. 53, 56(1)(h) (with ss. 54, 126(3)-(11), Sch. 4 Pt. III paras. 12-14); S.I. 1998/3178, art. 3.
- C26** S. 13: functions modified (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

### 14 Provision of premises and sites.

- (1) The Secretary of State shall have power, in order to provide or facilitate the provision of premises in any development area or intermediate area for occupation by undertakings carried on or to be carried on there or for otherwise meeting the requirements of such undertakings (including requirements arising from the needs of persons employed or to be employed therein)—
  - (a) to acquire land by agreement or, if so authorised, compulsorily;
  - (b) to erect buildings and carry out works on land belonging to the Secretary of State;
  - (c) by agreement with the persons interested in any other land, to erect buildings and carry out works on the land on such terms (including terms as to repayment of expenditure incurred by the Secretary of State) as may be specified in the agreement.

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- (2) The Secretary of State shall not acquire under subsection (1) above any buildings other than industrial buildings (as defined in <sup>F8</sup>section 14A of this Act]) except for redevelopment or as part of a larger property which in the opinion of the Secretary of State would be incomplete without them.
- (3) The Secretary of State may modernise, adapt or reconstruct any buildings or other works on land acquired by him under this section or the <sup>M7</sup>Local Employment Act 1972 and, where the execution of that work will interrupt the use of the buildings or works by any undertaking, acquire other land by agreement, and erect buildings and carry out works on that other land, or on land previously acquired by the Secretary of State as aforesaid, for the purpose of providing premises for the occupation of that undertaking or of otherwise meeting its requirements.
- (4) Where land acquired by the Secretary of State under this section or the <sup>M8</sup>Local Employment Act 1972 is situated in a locality which is not a development area or intermediate area, the Secretary of State may exercise in relation to the land the following powers, that is to say—
- (a) power to preserve and maintain the land and any buildings or works on it, and to erect buildings and carry out works on it;
  - (b) where there are buildings on the land, power to acquire by agreement other land contiguous or adjacent to it for the purpose of erecting thereon extensions to those buildings or of erecting thereon other buildings to be used with the first-mentioned buildings as part of a single undertaking;
  - (c) power to provide means of access, services and other facilities for meeting the requirements of undertakings carried on, or to be carried on, on the land (including requirements arising from the needs of persons employed or to be employed therein).
- (5) The <sup>M9</sup>Acquisition of Land Act 1981 shall apply in relation to the compulsory purchase of land by the Secretary of State under this section; but, notwithstanding anything in this section, where at the time of publication in accordance with the provisions of that Act of notice of the preparation of a draft of a compulsory purchase order—
- (a) land is in use for the purposes of any undertaking, and
  - (b) that undertaking provides employment which is substantial having regard to the extent of the land used for its purposes and the nature of the undertaking,
- the Secretary of State shall not be authorised to acquire compulsorily the interest of the person carrying on the undertaking.
- (6) Any person duly authorised in writing by the Secretary of State may, at any reasonable time, enter any land for the purpose of surveying it in connection with the exercise of the Secretary of State's powers under this section to acquire land; and <sup>F9</sup>subsection (8) of section 324 and subsections (1) to (6), (8) and (9) of section 325 of the Town and Country Planning Act 1990] (which contain supplemental provision with respect to powers of entry) shall apply in relation to this subsection as they apply in relation to <sup>F9</sup>the said section 324].

#### Textual Amendments

**F8** Words substituted by [Housing and Planning Act 1986 \(c. 63, SIF 123:1\)](#), ss. 49, 53, [Sch. 11 Pt. I para. 25\(2\)](#)

**F9** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 57](#)



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#### Marginal Citations

- M7** 1972 c. 5.  
**M8** 1972 c. 5.  
**M9** 1981 c. 67.

#### [<sup>F10</sup>14A Meaning of “industrial buildings”.

(1) In section 14(2) of this Act “industrial building” means a building which is used or designed for use for carrying on, in the course of a trade or business, a process for or incidental to any of the following purposes—

- (a) the making of any article or part of any article,
- (b) the altering, repairing, ornamenting, finishing, cleaning, washing, freezing, packing or canning, or adapting for sale, or breaking up or demolition, of any article, or
- (c) the getting, dressing or preparation for sale of minerals or the extraction or preparation for sale of oil or brine,

or which is used or designed for use for carrying on, in the course of a trade or business, scientific research.

(2) For the purposes of subsection (1) premises which—

- (a) are used or designed for use for providing services or facilities ancillary to the use of other premises for the carrying on of any such process or research as is mentioned in that subsection, and
- (b) are or are to be comprised in the same building or the same curtilage as those other premises,

shall themselves be treated as used or designed for use for the carrying on of such a process or, as the case may be, of such research.

(3) In this section—

- “article” means an article of any description, including a ship or vessel;  
“building” includes part of a building;  
“minerals” includes all minerals and substances in or under land of a kind ordinarily worked for removal by underground or surface working, except that it does not include peat cut for purposes other than sale;  
“scientific research” means any activity in the fields of natural or applied science for the extension of knowledge”.]

#### Textual Amendments

- F10** S. 14A inserted by [Housing and Planning Act 1986 \(c. 63, SIF 123:1\)](#), ss. 49, 53, [Sch. 11 Pt. I para. 25\(3\)](#)

#### *Reports and accounts*

#### 15 Annual reports.

(1) For each financial year the Secretary of State shall prepare a report on the discharge of his functions—

- (a) under Parts I to III and sections 13 and 14 of this Act,

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- [<sup>F11</sup>(b) under section 67(1) of the <sup>M10</sup>Town and Country Planning Act 1971 and section 65(1) of the <sup>M11</sup>Town and Country Planning (Scotland) Act 1972 (industrial development certificates),]
  - (c) under Part III of the <sup>M12</sup>Industry Act 1972 (including any functions in respect of guarantees given by him under section 7 of the <sup>M13</sup>Shipbuilding Industry Act 1967), and
  - (d) under the <sup>M14</sup>English Industrial Estates Corporation Act 1981,
- and shall lay the report before Parliament not later than six months after the end of the financial year to which it relates.
- (2) The Secretary of State may discharge his duty under this section in any year by making a report on his functions under Part I, Part II, Part III or sections 13 and 14 of this Act, or under the other enactments mentioned in subsection (1) above and one or more separate reports on the remaining functions.
  - (3) A report under this section relating to Part III of this Act or Part III of the <sup>M15</sup>Industry Act 1972 shall contain a statement showing the total amount of the liabilities of the Secretary of State (exclusive of any liability in respect of interest on a principal sum) under guarantees given by him under Part III of this Act or Part II of that Act or, as the case may be, under Part III of that Act (and in the latter case shall include liabilities under guarantees given under section 7 of the <sup>M16</sup>Shipbuilding Industry Act 1967).
  - (4) In the application of this section in relation to a financial year beginning before the commencement of this Act any reference in subsection (1) above to a provision of this Act shall include a reference to the enactment re-enacted in that provision.

**Textual Amendments**

**F11** S. 15(1)(b) repealed (E.W.) by [Housing and Planning Act 1986 \(c. 63, SIF 123:1\)](#), s. 49(2), **Sch. 12 Pt. III**, and (S.) by [Housing and Planning Act 1986 \(c. 63, SIF 123:2\)](#), s. 53(2), **Sch. 12 Pt. IV**

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

**C27** S. 15 modified (1.7.1999) by [S.I. 1999/672](#), arts. 2, 5, **Sch. 1**, **Sch. 2**

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**Marginal Citations**

**M10** 1971 c. 78.  
**M11** 1972 c. 52.  
**M12** 1972 c. 63.  
**M13** 1967 c. 40.  
**M14** 1981 c. 13.  
**M15** 1972 c. 63.  
**M16** 1967 c. 40.

**16 Secretary of State’s accounts etc.**

- (1) . . . . .<sup>F12</sup>, the Secretary of State shall, for each financial year, prepare a statement of accounts in such form as the Treasury may direct, showing the financial results for the financial year as respects—
  - (a) the activities of the Secretary of State in the execution of sections 13 and 14 of this Act . . .<sup>F13</sup>, other than activities in respect of grants; . . .<sup>F14</sup>
  - (b) . . . . .<sup>F14</sup>

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- (2) The Secretary of State shall on or before 30th November in each year transmit to the Comptroller and Auditor General the statement of accounts prepared by the Secretary of State for the financial year last ended for examination and certification by him.
- (3) Copies of every statement of accounts of the Secretary of State under this section, together with the report of the Comptroller and Auditor General thereon, shall be laid by the Secretary of State before Parliament.
- (4) In the application of this section in relation to a financial year beginning before the commencement of this Act, any reference in subsection (1) above to a provision of this Act shall include a reference to the enactment re-enacted in that provision.

#### Textual Amendments

- F12** Words repealed by [Industrial Development Act 1985 \(c. 25, SIF 64\)](#), **ss. 4(2)(a)**, 6(3), Sch.
- F13** Words repealed by [Industrial Development Act 1985 \(c. 25, SIF 64\)](#), **ss. 4(2)(b)**, 6(3), Sch.
- F14** S. 16(1)(b) and the word “and” immediately preceding it repealed by [Industrial Development Act 1985 \(c. 25, SIF64\)](#), **ss. 4(2)(c)**, 6(3), Sch.

#### *Supplemental*

### 17 Supplemental.

- (1) In this Part of this Act “land” includes messuages, tenements and hereditaments, houses and buildings of any tenure.
- (2) In this Part of this Act “undertaking” means any trade or business or any other activity providing employment.
- (3) Where at any time a locality ceases to be a development area or intermediate area, the fact that it is no longer such an area shall not prejudice—
  - (a) the completion by the Secretary of State of buildings or works begun before that time in the locality under subsection (1) of section 14 above, or the exercise by the Secretary of State in relation to land in that locality of his powers under that subsection so far as may be necessary for the purpose of fulfilling any agreement entered into by the Secretary of State before that time;
  - (b) the making under this Part of this Act of any grant or loan in any case in which an application for the grant or loan was received by the Secretary of State before that time; or
  - (c) the continued operation of any agreement relating to such grant or loan as is mentioned in paragraph (b) above or of any other agreement relating to grants or loans entered into under this Part of this Act or corresponding provisions of the <sup>M17</sup>Local Employment Act 1972.

#### Marginal Citations

- M17** 1972 c. 5.

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## PART V

### GENERAL

#### 18 Interpretation.

- (1) In this Act “development area”, “special development area” and “intermediate area” mean an area for the time being specified or designated by an order made, or having effect as if made, under section 1 above, as the case may be, as a development area, as a special development area or as an intermediate area.
- (2) . . . . .<sup>F15</sup>

#### Textual Amendments

- F15** S. 18(2) repealed by Co-operative [Development Agency and Industrial Development Act 1984 \(c. 57, SIF 64\)](#), s. 6, [Sch. 2 Pt. III](#)

#### 19 Consequential provisions etc. and repeals.

- (1) Schedule 2 to this Act (which contains amendments consequential on the provisions of this Act, transitional provisions and savings) shall have effect; and the provisions of that Schedule are without prejudice to sections 16 and 17 of the<sup>M18</sup> Interpretation Act 1978 (which relate to repeals).
- (2) Subject to the provisions of Schedule 2 to this Act, the enactments and instruments specified in Schedule 3 to this Act are hereby repealed or, as the case may be, revoked to the extent specified in the third column of Schedule 3.

#### Marginal Citations

- M18** [1978 c. 30.](#)

#### 20 Short title, commencement and extent.

- (1) This Act may be cited as the Industrial Development Act 1982.
- (2) This Act shall come into force on the expiration of the period of three months beginning with its passing.
- (3) This Act extends to England and Wales and, except for section 14, to Scotland; but only the following provisions of this Act extend to Northern Ireland, that is to say, Part III, sections 11 and 12, and this section and (so far as they relate to enactments which extend to Northern Ireland) sections 15 and 19 and Schedules 2 and 3.

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## SCHEDULES

### SCHEDULE 1

Section 5.

#### ENFORCEMENT OF CONDITIONS ATTACHED TO REGIONAL DEVELOPMENT GRANTS

- 1 (1) The Secretary of State may by notice require any person who has received a grant under Part II of this Act, and any person acting on his behalf, to furnish to the Secretary of State such information, or to produce for examination on behalf of the Secretary of State such books, records or other documents, as may be specified in the notice for the purpose of enabling the Secretary of State to determine whether any condition subject to which the grant is made is satisfied or is being complied with, or whether the grant has become repayable in whole or in part in accordance with any such condition.
- (2) Subject to sub-paragraph (3) below, a notice under this paragraph may require the information to which it relates to be furnished within such time as may be specified in the notice, and may require the documents to which it relates to be produced at such time and place as may be so specified.
- (3) The time specified in such a notice for furnishing any information or producing any document shall not be earlier than the end of the period of 28 days beginning with the service of the notice.
- (4) A notice under this paragraph may be served—
- (a) by delivering it to the person on whom it is to be served;
  - (b) by delivering it at the usual or last known place of abode of that person;
  - (c) by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at his usual or last known place of abode; or
  - (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.
- 2 <sup>[F16]</sup>(1) Any person duly authorised in that behalf by the Secretary of State may for the purposes mentioned in paragraph 1 of this Schedule, on production (if so required) of written evidence of his authority, at all reasonable times enter and inspect any premises where any asset in respect of which a grant under Part II of this Act has been made is, or in accordance with any condition attached to the grant should be, and require any person appearing to him to have charge of those premises to produce or identify the asset for inspection.
- <sup>[F17]</sup>(2) Any person duly authorised in that behalf by the Secretary of State may for the purposes mentioned in paragraph 1 of this Schedule, on production (if so required) of written evidence of his authority, at all reasonable times enter and inspect any premises where any job in respect of which a grant under Part II of this Act has been made is, or in accordance with any condition attached to the grant should be, carried

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out and require any person appearing to him to have charge of those premises to identify the place of work of the person employed to carry out the job.]

#### Textual Amendments

- F16** Sch. 1 para. 2 renumbered as para. 2(1) by Co-operative Development Agency and Industrial Development Act 1984 (c. 57, SIF 64), s. 5, **Sch. 1 Pt. II para. 5**
- F17** Sch. 1 para. 2(2) inserted by Co-operative Development Agency and Industrial Development Act 1984 (c. 57, SIF 64), s. 5, **Sch. 1 Pt. II para. 5**

- 3 (1) Any person who in purported compliance with a notice under paragraph 1 of this Schedule knowingly or recklessly makes any statement or produces any document which is false in a material particular shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum, or on conviction on indictment to a fine, or to imprisonment for a term not exceeding two years, or to both.
- (2) Any person who without reasonable excuse fails to comply with a notice under paragraph 1 of this Schedule shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (3) Any person who wilfully obstructs any person in the exercise of a right of entry under paragraph 2 of this Schedule, or without reasonable excuse fails to comply with a requirement under that paragraph, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) ..... **F18**

#### Textual Amendments

- F18** Sch. 1 para. 3(4) repealed by Co-operative Development Agency and Industrial Development Act 1984 (c. 57, SIF 64), s. 6, **Sch. 2 Pt. III**

- 4 (1) Any person who without reasonable excuse fails to comply with any condition subject to which a grant was made to him under Part II of this Act requiring him to inform the Secretary of State of any event whereby the grant becomes repayable in whole or in part shall be guilty of an offence and liable on conviction to a fine which on summary conviction shall not exceed the statutory maximum.
- (2) Summary proceedings in Scotland for an offence under this paragraph shall not be commenced after the expiration of three years from the commission of the offence, but subject to that limitation and notwithstanding anything in [<sup>F19</sup>section 136 of the Criminal Procedure (Scotland) Act 1995], such proceedings may be commenced at any time within twelve months after the date on which evidence sufficient in the opinion of the Lord Advocate to justify the proceedings comes to his knowledge or, where such evidence was reported to him by the Secretary of State, within twelve months after the date on which it came to the knowledge of the Secretary of State; and subsection (3) of the said section 331 shall apply for the purposes of this paragraph as it applies for the purposes of that section.
- (3) For the purposes of this paragraph, a certificate of the Lord Advocate or, as the case may be, the Secretary of State as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact.

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#### Textual Amendments

**F19** Words in [Sch. 1 para. 4\(2\)](#) substituted (1.4.1996) by [1995 c. 40, ss. 5, 7\(2\)](#), [Sch. 4 para. 46](#).

5 (1) Where an offence under this Schedule committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) In this paragraph “director”, in relation to a body corporate established by or under any enactment for the purpose of carrying on under public ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

[<sup>F20</sup>6 References in this Schedule, except in paragraph 2(2) above, to grant under Part II of this Act shall include references to grant under that Part as originally enacted and grant under Part I of the Industry Act 1972.]

#### Textual Amendments

**F20** [Sch. 1 para. 6](#) substituted by Co-operative [Development Agency and Industrial Development Act 1984 \(c. 57, SIF 64\)](#), s. 5, [Sch. 1 Pt. II para. 6](#)

## SCHEDULE 2

Section 19.

### CONSEQUENTIAL AMENDMENTS, TRANSITIONAL PROVISIONS AND SAVINGS

#### PART I

##### OLD CASES ETC.

1 The enactments repealed by this Act and the instruments made under those enactments shall continue to have effect after the commencement of this Act for the purpose of the making of grants under Part I of the Industry Act 1972 in respect of expenditure incurred in providing an asset as part of, or on or for use in any premises if—

- (a) the asset was provided before 1st August 1980; or
- (b) the expenditure was defrayed before 18th July 1979; or
- (c) the asset consists of a building or works provided in a derelict land clearance area and the construction of the building or the carrying out of the works was begun before 22nd March 1974.

2 (1) In Articles 5, 5A, 5B, 5C and 5D of the <sup>M19</sup>Assisted Areas Order 1979 (which contain transitional provisions in connection with changes in the categories of the assisted areas) references to Part I of the Industry Act 1972 shall have effect on and after the commencement of this Act as if they included references to Part II of this Act.

*Status: Point in time view as at 08/05/2003.*

*Changes to legislation: There are currently no known outstanding effects  
for the Industrial Development Act 1982. (See end of Document for details)*

- (2) Where apart from this sub-paragraph the amount of a grant under Part II of this Act towards expenditure falling within sub-paragraph (3) below would be less than 20 per cent. of the expenditure, the amount shall instead be 20 per cent. of the expenditure.
- (3) The expenditure falling within this sub-paragraph is expenditure incurred—
- (a) in providing an asset as part of, or on or for use in, qualifying premises in a relevant special development area in such circumstances that, by reason of Article 5(1) and (4)(d) or Article 5A(2) and (5)(b) of the <sup>M20</sup>Assisted Areas Order 1979 (as amended by sub-paragraph (1) above), any grant under Part II of this Act towards the expenditure is to be made at the rate appropriate to a development area which is not a special development area, or
  - (b) in providing a building or works at any time as part of or on qualifying premises in a relevant development area in such circumstances that, by reason of Article 5(2) and (4)(d) of that order (as so amended), no grant may be made under Part II of this Act towards any expenditure incurred in providing machinery or plant at that time for use in those premises.
- (4) In sub-paragraph (3) above—
- (a) “relevant special development area” means an area which became a special development area on the coming into operation of the <sup>M21</sup>Assisted Areas Order 1977, the <sup>M22</sup>Assisted Areas Order 1979 or the <sup>M23</sup>Assisted Areas (Amendment) Order 1979, and
  - (b) “relevant development area” means an area which became a development area on the coming into operation of the <sup>M24</sup>Assisted Areas Order 1977, the Assisted Areas (No. 2) Order 1977 or the Assisted Areas Order 1979.
- (5) The preceding provisions of this paragraph are without prejudice to the provisions of an order made after the commencement of this Act under section 1 of this Act, and such an order may amend or repeal sub-paragraph (1) above.
- (6) Notwithstanding its enactment by this Act, sub-paragraph (1) above shall have effect subject to any question arising as to the validity of the provisions in the Articles mentioned in that sub-paragraph referring to Part I of the <sup>M25</sup>Industry Act 1972.

**Marginal Citations**

- M19** S.I. 1979/837.
- M20** S.I. 1979/837.
- M21** S.I. 1977/683.
- M22** S.I. 1979/1642.
- M23** S.I. 1979/837.
- M24** S.I. 1977/706.
- M25** 1972 c. 63.



*Status: Point in time view as at 08/05/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Industrial Development Act 1982. (See end of Document for details)*

## PART II

### MISCELLANEOUS

#### *The Distribution of Industry Acts 1945 to 1958*

- 1 The repeal by this Act of paragraph 3 of Schedule 2 to the <sup>M26</sup>Local Employment Act 1972 shall be without prejudice to—
- (a) the continued operation as mentioned in that paragraph of any agreement relating to loans or grants entered into under the Distribution of Industry Acts 1945 to 1958;
  - (b) the payment of further instalments of a grant under section 3 of the <sup>M27</sup>Distribution of Industry Act 1945 in pursuance of arrangements made before 1st April 1960;
  - (c) the continued payment to a housing association of grants under section 3(2) of the <sup>M28</sup>Distribution of Industry Act 1950 in respect of dwellings provided before 1st April 1960, being grants which the Board of Trade agreed to make.

#### Marginal Citations

**M26** 1972 c. 5.

**M27** 1945 c. 36.

**M28** 1950 c. 8.

#### *The Landlord and Tenant Act 1954*

- 2 In section 60 of the <sup>M29</sup>Landlord and Tenant Act 1954—
- (a) the application by subsection (1) of section 2(1) of the <sup>M30</sup>Local Employment Act 1972 shall continue to have effect notwithstanding the repeal by this Act of Part I of Schedule 4 to the <sup>M31</sup>Industry Act 1972; and
  - <sup>x1</sup>(b) for subsection (3) there shall be substituted the following subsection—
    - “(3) In this section “development area” and “intermediate area” mean an area for the time being specified as a development area or, as the case may be, as an intermediate area by an order made, or having effect as if made, under section 1 of the Industrial Development Act 1982.”

#### Editorial Information

**X1** The text of Sch. 2 Pt. II paras. 2(b), 3, 5, 6, 7(1), 10, 11, 13, 15, 17, 19 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M29** 1954 c. 56.

**M30** 1972 c. 5.

**M31** 1972 c. 63.

*Status: Point in time view as at 08/05/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Industrial Development Act 1982. (See end of Document for details)*

*M32 The Building Control Act 1966*

**Marginal Citations**

**M32** 1966 c. 27.

- <sup>x23</sup> In section 4(5) of the Building Control Act 1966, for the words from “ by an order” to “ the Local Employment Act 1972” there shall be substituted the words “ by an order made, or having effect as if made under section 1 of the Industrial Development Act 1982 or, in relation to a time before the commencement of that Act, under the Local Employment Act 1972”.

**Editorial Information**

**X2** The text of Sch. 2 Pt. II paras. 2(b), 3, 5, 6, 7(1), 10, 11, 13, 15, 17, 19 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*The Capital Allowances Act 1968*

4 ..... **F21**

**Textual Amendments**

**F21** Sch. 2 Pt. II para. 4 repealed by [Capital Allowances Act 1990 \(c. 1, SIF 63:1\)](#), **ss. 82, 164(4) (5)**, Sch. 2

*M33 The Development of Tourism Act 1969*

**Marginal Citations**

**M33** 1969 c. 51.

<sup>F225</sup> .....

**Textual Amendments**

**F22** Sch. 2 Pt. II para. 5 repealed (19.11.1998) by 1998 c. 43, **ss. 1(1), 2(3)**, **Sch. 1 Pt. IV** Group 3.

*M34 The Finance Act 1971*

**Marginal Citations**

**M34** 1971 c. 68.

- <sup>x36</sup> In section 52(1) of the Finance Act 1971, for the words “within the meaning of the Local Employment Act 1972” there shall be substituted the words “(that is to say, an area specified as such by an order made, or having effect as if made, under section 1 of the Industrial Development Act 1982 or, in relation to a time before

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the commencement of that Act, a development area within the meaning of the <sup>M35</sup> Local Employment Act 1972”.

**Editorial Information**

**X3** The text of Sch. 2 Pt. II paras. 2(b), 3, 5, 6, 7(1), 10, 11, 13, 15, 17, 19 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M35** 1972 c. 5.

<sup>M36</sup>*The Town and Country Planning Act 1971*

**Marginal Citations**

**M36** 1971 c. 78.

7<sup>F23X4</sup>(1) In section 67(7) of the Town and Country Planning Act 1971, for the definition of “development area” there shall be substituted the following definition:—

““development area” means any area specified as such by an order made, or having effect as if made, under section 1 of the Industrial Development Act 1982.”]

(2) ..... <sup>F24</sup>

**Editorial Information**

**X4** The text of Sch. 2 Pt. II paras. 2(b), 3, 5, 6, 7(1), 10, 11, 13, 15, 17, 19 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Textual Amendments**

**F23** Sch. 2 Pt. II para. 7(1) repealed (E.W.) by [Housing and Planning Act 1986 \(c. 63, SIF 123:1\)](#), s. 49(2), [Sch. 12 Pt. III](#)

**F24** Sch. 2 Pt. II para. 7(2) repealed by [Planning \(Consequential Provisions\) Act 1990 \(c.11, SIF 123:1, 2\)](#), ss. 3, 5, Sch. 1 Pt. I, [Sch. 3](#)

<sup>M37</sup>*The Local Employment Act 1972*

**Marginal Citations**

**M37** 1972 c. 63.

8 The repeal by this Act of paragraph 3 of Schedule 2 to the <sup>M38</sup>Industry Act 1972 shall not affect any liability by virtue of that paragraph (savings for repeals of provisions of the Local Employment Act 1972) for any offence committed before the commencement of this Act.

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*Changes to legislation: There are currently no known outstanding effects for the Industrial Development Act 1982. (See end of Document for details)*

**Marginal Citations**

**M38** [1972 c. 5](#)

- 9 Nothing in this Act shall prejudice the operation, in relation to section 8 of the <sup>M39</sup> Local Employment Act 1972, of the transitional provisions contained in section 8(7) of the <sup>M40</sup> Scottish Development Agency Act 1975 and sections 1(12) and 2(3) of the <sup>M41</sup> Derelict land Act 1982.

**Marginal Citations**

**M39** [1972 c. 5](#)

**M40** [1975 c. 69](#)

**M41** [1982 c. 42](#)

*The <sup>M42</sup> Town and Country Planning (Scotland) Act 1972*

**Marginal Citations**

**M42** [1972 c. 52.](#)

- [<sup>F25X5</sup>10 In section 65(6) of the Town and Country Planning (Scotland) Act 1972, for the definition of “development area” there shall be substituted the following definition: — ““development area” means any area specified as such by an order made, or having effect as if made, under section 1 of the Industrial Development Act 1982.”]

**Editorial Information**

**X5** The text of Sch. 2 Pt. II paras. 2(b), 3, 5, 6, 7(1), 10, 11, 13, 15, 17, 19 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Textual Amendments**

**F25** [Sch. 2 Pt. II para. 10](#) repealed (S.) by [Housing and Planning Act 1986 \(c. 63, SIF 123:2\)](#), s. 53(2), [Sch. 12 Pt. IV](#)

*The <sup>M43</sup> House of Commons Disqualification Act 1975*

**Marginal Citations**

**M43** [1975 c. 24.](#)

- <sup>x6</sup>11 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975, for the words “ or Part II of the Industry Act 1972” there shall be substituted the words “ Part II of the Industry Act 1972 or Part III or section 13 of the Industrial Development Act 1982”.

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*Changes to legislation: There are currently no known outstanding effects for the Industrial Development Act 1982. (See end of Document for details)*

**Editorial Information**

**X6** The text of Sch. 2 Pt. II paras. 2(b), 3, 5, 6, 7(1), 10, 11, 13, 15, 17, 19 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*The Industry Act 1975*

12 ..... **F26**

**Textual Amendments**

**F26** Sch. 2 Pt. II paras. 12, 14 repealed by Co-operative Development Agency and Industrial Development Act 1984 (c. 57, SIF 64), s. 6, **Sch. 2 Pt. III**

*Advisory Boards in Scotland and Wales*

<sup>x7</sup>13 In section 20 of the <sup>M44</sup> Scottish Development Agency Act 1975 and in section 13 of the <sup>M45</sup> Welsh Development Agency Act 1975, for the words “ the Industry Act 1972”, wherever occurring, there shall be substituted the words “ the Industrial Development Act 1982”.

**Editorial Information**

**X7** The text of Sch. 2 Pt. II paras. 2(b), 3, 5, 6, 7(1), 10, 11, 13, 15, 17, 19 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M44** 1975 c. 69.  
**M45** 1975 c. 70.

*The <sup>M46</sup> Energy Act 1976*

**Marginal Citations**

**M46** 1976 c. 76.

14 ..... **F27**

**Textual Amendments**

**F27** Sch. 2 Pt. II paras. 12, 14 repealed by Co-operative Development Agency and Industrial Development Act 1984 (c. 57, SIF 64), s. 6, **Sch. 2 Pt. III**

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*The <sup>M47</sup> British Aerospace Act 1980*

**Marginal Citations**

**M47** 1980 c. 26.

- <sup>x8</sup>15 In paragraph 3 of Schedule 1 to the British Aerospace Act 1980—
- (a) in sub-paragraph (1), after the words “ the Industry Act 1972” there shall be inserted the words “ and Part II of the Industrial Development Act 1982” and for the words “ of that Act” there shall be substituted “ of the said Act of 1972”; and
  - (b) in sub-paragraph (2), for the words from “ and” onwards there shall be substituted the words “ or Part II of the Industrial Development Act 1982 and “ approved capital expenditure” has the same meaning as it has for the purposes of the provisions relating to regional development grant”.

**Editorial Information**

**X8** The text of Sch. 2 Pt. II paras. 2(b), 3, 5, 6, 7(1), 10, 11, 13, 15, 17, 19 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*The <sup>M48</sup> Finance Act 1980*

**Marginal Citations**

**M48** 1980 c. 48.

- 16 ..... **F28**

**Textual Amendments**

**F28** Sch. 2 Pt. II paras. 16, 18 repealed by *Income and Corporation Taxes Act 1988 (c.1, SIF 63:1)*, s. 844, **Sch. 31**

*The <sup>M49</sup> English Industrial Estates Corporation Act 1981*

**Marginal Citations**

**M49** 1981 c. 13.

- 17 (1) In section 2(6) of the English Industrial Estates Corporation Act 1981, for the words “ the <sup>M50</sup> Local Employment Act 1972” there shall be inserted the words “ section 14(1) of the Industrial Development Act 1982”.
- (2) In section 8 of that Act, for the words “ section 5 of the Local Employment Act 1972” there shall be substituted the words “ section 14(1) of the Industrial Development Act 1982”.

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

**C28** The text of Sch. 2 Pt. II paras. 2(b), 3, 5, 6, 7(1), 10, 11, 13, 15, 17, 19 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M50** 1972 c. 5.

18

F29

**Textual Amendments**

**F29** Sch. 2 Pt. II paras. 16, 18 repealed by [Income and Corporation Taxes Act 1988 \(c.1, SIF 63:1\)](#), s. 844, [Sch. 31](#)

*The Derelict Land Act 1982*

- <sup>x9</sup>19 In subsection 1 of the <sup>M51</sup> Derelict Land Act 1982—
- (a) in subsection (10), for the words “ the Local Employment Act 1972” there shall be substituted the words “ the Industrial Development Act 1982” ; and
  - (b) in subsection (11), in the definition of “ development area”, for the words from “ made” to “ 1972” there shall be substituted the words “ made, or having effect as if made, under section 1 of the Industrial Development Act 1982”.

**Editorial Information**

**X9** The text of Sch. 2 Pt. II paras. 2(b), 3, 5, 6, 7(1), 10, 11, 13, 15, 17, 19 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M51** 1982 c. 42.

<sup>x10</sup>SCHEDULE 3

Section 19.

REPEALS AND REVOCATIONS

**Editorial Information**

**X10** The text of Sch. 2 Pt. II paras. 2(b), 3, 5, 6, 7(1), 10, 11, 13, 15, 17, 19 and Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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*Changes to legislation: There are currently no known outstanding effects for the Industrial Development Act 1982. (See end of Document for details)*

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<b>Chapter or number</b>	<b>Short title</b>	<b>Extent of repeal or revocation</b>
1972 c. 5.	The Local Employment Act 1972.	<p>Section 1.</p> <p>Section 5.</p> <p>Sections 7 and 9.</p> <p>Sections 13 and 14.</p> <p>Sections 16 to 18.</p> <p>Section 20.</p> <p>Section 21(1).</p> <p>Section 22(3) and (4).</p> <p>In Schedule 2, paragraphs 3, 4, 8, 9 and 10.</p> <p>Schedule 3, except the entries relating to the Industrial Development Act 1966 and the Finance Act 1970.</p>
1972 c. 52.	The Town and Country Planning (Scotland) Act 1972.	<p>In section 114(7), the words from “ or in” onwards.</p> <p>In Part II of Schedule 21, the entry relating to the Local Employment Act 1972.</p>
1972 c. 63.	The Industry Act 1972.	<p>Parts I and II.</p> <p>Sections 13 to 16.</p> <p>In section 17(1), the words “ Part II or”.</p> <p>In section 18, in subsection (1) the words “ Part II and” and subsection (3).</p> <p>In section 19(2), the words “ Schedule 2 and”.</p> <p>In Schedule 1, in paragraph 1(1) the words “ Part I or” paragraphs 2 and 3(3) and in paragraph 4(1) the words “ Part I or”.</p> <p>Schedule 2.</p> <p>Part I of Schedule 4.</p>
1973 c. 50.	The Employment and Training Act 1973.	<p>In section 14(1), the words from “ but” onwards.</p>



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		In Schedule 3, paragraphs 12 and 15.
1973 c. 65.	The Local Government (Scotland) Act 1973.	In Schedule 23, paragraph 14.
1974 c. 39.	The Consumer Credit Act 1974.	In Schedule 4, paragraph 33.
1975 c. 68.	The Industry Act 1975.	Section 22. Section 39(2). In Schedule 4, Part I. Schedule 7.
1980 c. 33.	The Industry Act 1980.	Sections 16 to 18. Schedule 1.
1981 c. 6.	The Industry Act 1981.	Section 6.
1981 c. 13.	The English Industrial Estates Corporation Act 1981.	Section 9(2). Section 10(4)(a).
1981 c. 57.	The Employment and Training Act 1981.	In Schedule 2, paragraphs 6 and 7.
1981 c. 67.	The Acquisition of Land Act 1981.	In Schedule 4, paragraph 22.
1982 c. 18.	The Industry Act 1982.	The whole Act.
S.I. 1973/243.	The Regional Development Grants (Qualifying Activities) Order 1973.	The whole order.
S.I. 1976/1573.	The Regional Development Grants (Qualifying Activities) Order 1976.	The whole order.

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**Status:**

Point in time view as at 08/05/2003.

**Changes to legislation:**

There are currently no known outstanding effects for the Industrial Development Act 1982.