



# Industry Act 1975

## 1975 CHAPTER 68

An Act to establish a National Enterprise Board; to confer on the Secretary of State power to prohibit the passing to persons not resident in the United Kingdom of control of undertakings engaged in manufacturing industry, and power to acquire compulsorily the capital or assets of such undertakings where control has passed to such persons or there is a probability that it will pass; to amend the Industry Act 1972 and the Development of Inventions Act 1967; to make provision for the disclosure of information relating to manufacturing undertakings to the Secretary of State or the Minister of Agriculture, Fisheries and Food, and to trade unions; and for connected purposes. [12th November 1975]

### Commencement Information

**II** Act not in force at Royal Assent see [s. 39\(6\)](#); Act wholly in force at 20.11.1975

## <sup>F1</sup>PART I

### NATIONAL ENTERPRISE BOARD

### Textual Amendments

**F1** [Pt. I, s. 1](#) repealed (1.7.1996) and [Pt. I, ss. 2 - 10](#) repealed (6.1.1992) by [British Technology Group Act 1991](#) (c. 66, SIF 64), [s. 17\(2\)](#), [Sch. 2, Pts.I,III](#); [S.I. 1991/2721](#), [art. 2](#); [S.I. 1996/1448](#), [art. 2](#)

### <sup>F2</sup> *Establishment of Board*

### Textual Amendments

**F2** [S. 1](#) repealed (1.7.1996) and [ss. 2 - 7](#) repealed (6.1.1992) by [British Technology Group Act 1991](#) (c. 66, SIF 64), [s. 17\(2\)](#), [Sch. 2, Pt.I &III](#); [S.I. 1991/2721](#), [art. 2](#); [S.I. 1996/1448](#), [art. 2](#)

*Changes to legislation: There are currently no known outstanding effects for the Industry Act 1975. (See end of Document for details)*

F3 **1** .....

**Textual Amendments**

**F3** S. 1 repealed (1.7.1996) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2, Pt.III](#); [S.I. 1996/1448](#), [art. 2](#)

F4 **2** .....

**Textual Amendments**

**F4** S. 2 repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2, Pt. I](#); [S.I. 1991/2721](#), [art. 2](#).

F5 **3** .....

**Textual Amendments**

**F5** S. 3 repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2, Pt. I](#); [S.I. 1991/2721](#), [art.2](#).

**4** ..... **F6**

**Textual Amendments**

**F6** Ss. 1(8), 4 repealed by [Industry Act 1980 \(c. 33, SIF 64\)](#), [Sch. 2](#)

F7 **5** .....

**Textual Amendments**

**F7** S. 5 repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2, Pt. I](#); [S.I. 1991/2721](#), [art. 2](#).

F8 **6** .....

**Textual Amendments**

**F8** S. 6 repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2, Pt. I](#); [S.I. 1991/2721](#), [art. 2](#).

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**F<sup>9</sup>7** .....

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**Textual Amendments**

**F9** S. 7 repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2](#), Pt.I; [S.I. 1991/2721](#), [art. 2](#).

**F10** . . .

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**Textual Amendments**

**F10** Ss. 8 - 10 repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), [s. 17\(2\)](#), , [Sch. 2](#), Pt.I; [S.I. 1991/2721](#), [art. 2](#).

**F<sup>11</sup>8** .....

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**Textual Amendments**

**F11** S. 8 repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2](#), Pt. I; [S.I. 1991/2721](#), [art.2](#).

**F<sup>12</sup>9** .....

.....  
**Textual Amendments**

**F12** S. 9 repealed (6.1.1992 subject to saving in [S.I. 1992/8](#), [arts. 3, 4](#)) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2](#), Pt.I; [S.I. 1991/2721](#), [art. 2](#).

**F<sup>13</sup>10** .....

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**Textual Amendments**

**F13** S. 10 repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2](#), Pt. I; [S.I. 1991/2721](#), [art. 2](#).

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## PART II

### POWERS IN RELATION TO TRANSFERS OF CONTROL OF IMPORTANT MANUFACTURING UNDERTAKINGS TO NON-RESIDENTS

#### 11 **General extent of powers in relation to control of important manufacturing undertakings.**

- (1) The powers conferred by this Part of this Act shall have effect in relation to changes of control of important manufacturing undertakings.
- (2) In this Part of this Act—

“important manufacturing undertaking” means an undertaking which, in so far as it is carried on in the United Kingdom, is wholly or mainly engaged in manufacturing industry and appears to the Secretary of State to be of special importance to the United Kingdom or to any substantial part of the United Kingdom.

#### 12 **Meaning of “change of control”.**

- (1) There is a change of control of an important manufacturing undertaking for the purposes of this Part of this Act only upon the happening of a relevant event.
- (2) In subsection (1) above “relevant event” means any event as a result of which—
  - (a) the person carrying on the whole or part of the undertaking ceases to be resident in the United Kingdom;
  - (b) a person not resident in the United Kingdom acquires the whole or part of the undertaking;
  - (c) a body corporate resident in the United Kingdom but controlled by a person not so resident acquires the whole or part of the undertaking;
  - (d) a person not resident in the United Kingdom becomes able to exercise or control the exercise of the first, second or third qualifying percentage of votes in a body corporate carrying on the whole or part of the undertaking or in any other body corporate which is in control of such a body; or
  - (e) a person resident in the United Kingdom and able to exercise or control the exercise of the first, second or third qualifying percentage of votes in a body corporate carrying on the whole or part of the undertaking or in any other body corporate which is in control of such a body ceases to be resident in the United Kingdom.
- (3) For the purposes of subsection (2) above—
  - (a) a body corporate or individual entitled to cast 30 per cent. or more of the votes that may be cast at any general meeting of a body corporate is in control of that body; and
  - (b) control of a body corporate which has control of another body corporate gives control of the latter body.
- (4) Any power to direct the holder of shares or stock in a body corporate as to the exercise of his votes at a general meeting of that body corporate is to be treated as entitlement to cast the votes in respect of the shares or stock in question.
- (5) Two or more persons acting together in concert may be treated as a single person for the purposes of any provision of this Part of this Act relating to change of control.

(6) For the purposes of this Part of this Act—

- (a) the first qualifying percentage of votes is 30 per cent.;
- (b) the second qualifying percentage is 40 per cent.; and
- (c) the third qualifying percentage is 50 per cent.;

and the references to votes in this subsection are references to votes that may be cast at a general meeting.

### 13 Power to make orders.

(1) If it appears to the Secretary of State—

- (a) that there is a serious and immediate probability of a change of control of an important manufacturing undertaking; and
- (b) that that change of control would be contrary to the interests of the United Kingdom, or contrary to the interests of any substantial part of the United Kingdom,

he may by order (in this Part of this Act referred to as a “prohibition order”) specify the undertaking and—

- (i) prohibit that change of control; and
- (ii) prohibit or restrict the doing of things which in his opinion would constitute or lead to it;

and may make such incidental or supplementary provision in the order as appears to him to be necessary or expedient.

(2) Subject to subsection (3) below, if—

- (a) the conditions specified in paragraphs (a) and (b) of subsection (1) above are satisfied, or
- (b) a prohibition order has been made in relation to an important manufacturing undertaking, or
- (c) the Secretary of State has learnt of circumstances which appear to him to constitute a change of control of an important manufacturing undertaking, occurring on or after 1st February 1975, and is satisfied that that change is contrary to the interests of the United Kingdom, or contrary to the interests of any substantial part of the United Kingdom,

the Secretary of State may by order made with the approval of the Treasury (in this Part of this Act referred to as a “vesting order”) direct that on a day specified in the order—

- (i) share capital and loan capital to which this subsection applies, or
- (ii) any assets which are employed in the undertaking,

shall vest in <sup>F14</sup> . . . in himself or in nominees for <sup>F14</sup> . . . himself and may make such incidental or supplementary provision in the order as appears to him to be necessary or expedient.

(3) A vesting order may only be made if the Secretary of State is satisfied that the order is necessary in the national interest and that, having regard to all the circumstances, that interest cannot, or cannot appropriately, be protected in any other way.

(4) The share capital and loan capital to which subsection (2) above applies are—

- (a) in any case where the Secretary of State considers that the interests mentioned in subsection (2)(c) above cannot, or cannot appropriately, be protected unless all the share capital of any relevant body corporate vests by virtue of the order,

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the share capital of that body corporate, together with so much (if any) of the loan capital of that body as may be specified in the order,

- (b) in any other case, that part of the share capital of any relevant body corporate which, at the time that the draft of the order is laid before Parliament under section 15(3) below, appears to the Secretary of State to be involved in the change of control.

(5) In this section “relevant body corporate” means—

- (a) a body corporate incorporated in the United Kingdom carrying on in the United Kingdom as the whole or the major part of its business there the whole or part of an important manufacturing undertaking, or
- (b) a body corporate incorporated in the United Kingdom—
- (i) which is the holding company of a group of companies carrying on in the United Kingdom as the whole or the major part of their business there the whole or part of an important manufacturing undertaking, and
  - (ii) as to which one of the conditions specified in subsection (6) below is satisfied.

(6) The conditions mentioned in subsection (5) above are—

- (a) that it appears to the Secretary of State that there is a serious and immediate probability of the happening of an event in relation to the company which would constitute a change of control of the undertaking, or
- (b) that the Secretary of State has learnt of circumstances relating to the company which appear to him to constitute a change of control of the undertaking on or after 1st February 1975.

[<sup>F15</sup>(7) In sections (1)(b) and (2)(c) “interests” means interests which relate to public policy, public security or public health.

<sup>F15</sup>(8) In subsection (3) “the national interest” means the national interest in relation to public policy, public security or public health.]

#### Textual Amendments

**F14** Words in s. 13(2) repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2, Pt. I; S.I. 1991/2721, art. 2](#).

**F15** [S. 13\(7\)\(8\)](#) inserted (31.12.1998) by [S.I. 1998/3035, regs. 1, 2](#).

## 14 Notices to extend vesting orders to other holdings.

- (1) Where 30 per cent. or more of the share capital of the body corporate vests in the Secretary of State <sup>F16</sup> . . . by virtue of a vesting order, the Secretary of State shall serve on the holders of all the share capital that does not so vest, and on any other persons who to his knowledge have a present or prospective right to subscribe for share capital of the body corporate, within 28 days of the making of the order, a notice informing them of the making of the order and of the right of each of them to require the order to extend to the share capital or rights held by him.
- (2) The recipient of a notice under subsection (1) above may, within three months of the date of the notice, serve on the Secretary of State a counter-notice requiring the order to extend to the share capital or rights held by the recipient in the body corporate.

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- (3) A vesting order shall have effect, from the date of a counter-notice, as if the share capital or rights specified in the notice had been specified in the vesting order.
- (4) Subsections (1) to (3) above shall have the same effect in relation to share capital vesting in nominees for the Secretary of State <sup>F16</sup> . . . as in relation to share capital vesting as mentioned in those subsections.

#### Textual Amendments

**F16** Words in s. 14(1)(4) repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2, Pt. I](#); [S.I. 1991/2721](#), [art.2](#).

### 15 Parliamentary control of orders.

- (1) A prohibition order shall be laid before Parliament after being made, and the order shall cease to have effect at the end of the period of 28 days beginning on the day on which it was made (but without prejudice to anything previously done by virtue of the order or to the making of a new order) unless during that period it is approved by resolution of each House of Parliament.
- (2) In reckoning the period mentioned in subsection (1) above no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (3) A vesting order shall not be made unless a draft of the order has been laid before and approved by resolution of each House of Parliament.
- (4) A draft of a vesting order shall not be laid before Parliament—
  - (a) in a case such as is mentioned in paragraph (a) of section 13(2) above, after the end of a period of three months from the service of a notice under section 16(7) below of the Secretary of State's intention to lay the draft before Parliament;
  - (b) in a case such as is mentioned in paragraph (b) of that subsection, after the end of a period of three months from the making of the prohibition order, unless such circumstances as are mentioned in paragraph (a) or (c) of that subsection exist at the time when the draft of the order is laid before Parliament under subsection (3) above, and
  - (c) in a case such as is mentioned in paragraph (c) of that subsection, after the end of a period of three months from the date on which the Secretary of State learnt of circumstances such as are mentioned in that paragraph.
- (5) On the expiry of 28 days from the laying of the draft of a vesting order in a House of Parliament the order shall proceed in that House, whether or not it has been referred to a Committee under Standing Orders of that House relating to Private Bills, as if its provisions would require to be enacted by a Public Bill which cannot be referred to such a Committee.
- (6) In reckoning, for purposes of proceedings in either House of Parliament, the period mentioned in subsection (5) above, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which that House is adjourned for more than four days.

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## 16 Contents of vesting order.

- (1) Without prejudice to the generality of section 13(2) above, a vesting order may contain provisions by virtue of which rights, liabilities or incumbrances to which assets or capital which will vest by virtue of the order are subject—
  - (a) will be extinguished in consideration of the payment of compensation as provided under section 19 below, or
  - (b) will be transferred to the Secretary of State <sup>F17</sup> . . . , or
  - (c) will be charged on the compensation under section 19 below.
- (2) A vesting order which provides for the vesting of assets employed in an undertaking may prohibit or set aside any transfer of assets so employed or of any right in respect of such assets.
- (3) A vesting order may include such provisions as the Secretary of State considers necessary or expedient to safeguard—
  - (a) any capital which will vest by virtue of the order; and
  - (b) any assets—
    - (i) of a body corporate whose capital will so vest
 or
    - (ii) of any subsidiary of such a body corporate;
 and may in particular, but without prejudice to the generality of this subsection, prohibit or set aside the transfer of any such capital or assets or any right in respect of such capital or assets.
- (4) A vesting order setting aside a transfer of capital or a transfer of assets such as are mentioned in subsection (2) above shall entitle the Secretary of State <sup>F17</sup> . . . to recover the capital or assets transferred.
- (5) A vesting order setting aside a transfer of assets such as are mentioned in subsection (3) (b) above shall entitle the body corporate or subsidiary to recover the assets transferred.
- (6) Any vesting order setting aside a transfer shall give the person entitled to recover the capital or assets a right to be compensated in respect of the transfer.
- (7) The transfers to which this section applies include transfers made before the draft of the order is laid before Parliament but after the Secretary of State has served notice on the person concerned of his intention to lay a draft order.
- (8) In subsection (7) above “the person concerned” means—
  - (a) in the case of an order such as is mentioned in paragraph (i) of section 13(2) above, the relevant body corporate, and
  - (b) in the case of an order such as is mentioned in paragraph (ii) of that subsection, the person carrying on the undertaking.
- (9) The Secretary of State shall publish a copy of any such notice in the London Gazette, the Edinburgh Gazette and the Belfast Gazette as soon as practicable after he has served it.

### Textual Amendments

**F17** Words in s. 16(1)(b)(4) repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2, Pt. I](#); S.I. 1991/2721, [art. 2](#).



## 17 Remedies for contravention of prohibition orders.

- (1) No criminal proceedings shall lie against any person on the ground that he has committed, or aided, abetted, counselled or procured the commission of, or conspired or attempted to commit, or incited others to commit, any contravention of a prohibition order.
- (2) Nothing in subsection (1) above shall limit any right of any person to bring civil proceedings in respect of any contravention or apprehended contravention of a prohibition order, and (without prejudice to the generality of the preceding words) compliance with any such order shall be enforceable by civil proceedings by the Crown for an injunction or interdict or for any other appropriate relief.

### Modifications etc. (not altering text)

- C1 S. 17(1) modified (E.W.N.I) (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 6 para. 3](#) (with [Sch. 13 para. 5](#)); [S.I. 2008/2504](#), art. 2(a)

## 18 Territorial scope of orders.

- (1) Nothing in a prohibition order shall have effect so as to apply to any person in relation to his conduct outside the United Kingdom unless he is—
  - (a) a citizen of the United Kingdom and Colonies or,
  - (b) a body corporate incorporated in the United Kingdom or,
  - (c) a person carrying on business in the United Kingdom either alone or in partnership with one or more other persons,but in a case falling within paragraph (a), (b) or (c) above, any such order may extend to acts or omissions outside the United Kingdom.
- (2) For the purposes of this Part of this Act a body corporate shall be deemed not to be resident in the United Kingdom if it is not incorporated in the United Kingdom.

## 19 Compensation orders.

- (1) No vesting order shall be made until there has also been laid before both Houses of Parliament an order (in this Part of this Act referred to as a “compensation order”) providing for the payment of compensation for the acquisition of the capital or assets and for any extinguishment or transfer of rights, liabilities or encumbrances in question.
- (2) A compensation order shall be subject to special parliamentary procedure.
- (3) A compensation order—
  - (a) shall identify the persons or descriptions of persons to be paid compensation and determine their rights and duties in relation to any compensation paid to them;
  - (b) shall specify the manner in which compensation is to be paid;
  - (c) shall provide for the payment of interest on compensation in respect of the relevant period;
  - (d) may make different provision in relation to different descriptions of capital or assets and different rights, liabilities or incumbrances; and
  - (e) may contain incidental and supplementary provisions;

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and in paragraph (c) above “the relevant period” means—

- (i) in relation to capital or assets, the period commencing with the date on which the capital or assets vest in <sup>F18</sup> . . . the Secretary of State or their or his nominees and ending with the date of payment of compensation; and
- (ii) in relation to rights, liabilities and incumbrances, the period commencing with the date on which they are extinguished and ending on the date of payment.

(4) Compensation may be paid—

- (a) out of moneys provided by Parliament, or
- (b) by the issue of government stock (that is to say, stock the principal whereof and the interest whereon is charged on the National Loans Fund with recourse to the Consolidated Fund),

and the power conferred by subsection (3)(b) above is a power to provide for compensation by one or both of the means specified in this subsection.

(5) The proviso to section 6(2) of the <sup>M1</sup>Statutory Orders (Special Procedure) Act 1945 (power to withdraw an order or submit it to Parliament for further consideration by means of a Bill for its confirmation) shall have effect in relation to compensation orders as if for the words “may by notice given in the prescribed manner, withdraw the order or may” there were substituted the word “shall”.

#### **Textual Amendments**

**F18** Words in s. 19(3)(i) repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2, Pt. 1](#); [S.I. 1991/2721](#), [art. 2](#).

#### **Marginal Citations**

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

## **20 Arbitration of disputes relating to vesting and compensation orders.**

- (1) Any dispute to which this section applies shall be determined under Schedule 3 to this Act.
- (2) Where any such dispute has been submitted to a tribunal constituted under that Schedule, any other dispute to which this section applies shall be determined by the same tribunal.
- (3) This section applies to a dispute which arises out of a vesting order or a compensation order and to which one of the parties is the Secretary of State <sup>F19</sup> . . . or a body corporate the whole or part of whose share capital has vested by virtue of the order in either of them or in nominees for either of them—
  - (a) if the provisions of the order require it to be submitted to arbitration; or
  - (b) if one of the parties wishes it to be so submitted;
 and where this section applies to a dispute which arises out of an order, it also applies to any dispute which arises out of a related order.
- (4) A vesting order and a compensation order are related for the purposes of this section if they relate to the same capital or assets.

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**Textual Amendments**

**F19** Words in s. 20(3) repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2, Pt.I; S.I. 1991/2721, art. 2](#).

**PART III**

PLANNING AGREEMENTS ETC.

**21** ..... **F20**

**Textual Amendments**

**F20** Ss. 10(3), 21 repealed by [Industry Act 1980 \(c. 33, SIF 64\)](#), [Sch. 2](#)

**22** ..... **F21**

**Textual Amendments**

**F21** S. 22 repealed by [Industrial Development Act 1982 \(c. 52, SIF 64\)](#), [Sch. 2 Pt. I, Sch. 3](#)

**23** **Increase in limit on credits.**

In subsection (3) of section 10 of the Industry Act 1972 (construction credits for ships and offshore installations) for “£1,400 million” there shall be substituted “£1,800 million”.

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

**C2** 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.

**24** **Renewal of guarantees.**

(1) In subsections (2) and (6) of that section, after the words “subsection (1)” there shall be inserted the words “or (7A)”.

(2) After subsection (7) there shall be inserted the following subsections:—

“(7A) The Secretary of State, with the consent of the Treasury, may renew—

- (a) any guarantee given under section 7 of the Shipbuilding Industry Act 1967, and
- (b) any guarantee given under this section, including a guarantee previously renewed by virtue of this subsection, on the transfer of any liability to which it relates, or of part of any such liability, from a body

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corporate such as is mentioned in subsection (1) above to another such body corporate in the same group.

(7B) Two bodies corporate are in the same group for the purpose of subsection (7A) above if one is the other’s holding company or both are subsidiaries of a third body corporate.”

(3) At the end of subsection (9) there shall be added the words “and ‘holding company’ and subsidiary have the meanings assigned to them for the purposes of the Companies Act 1948 by section 154 of that Act, or for the purposes of the Companies Act (Northern Ireland) 1960 by section 148 of that Act.”.

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

**C3** 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.

**25 Grants to supplement interest.**

After the said section 10 there shall be inserted the following section:—

**“10A Interest grants.**

—The Secretary of State, with the consent of the Treasury, may make a grant, on such terms and conditions as he may determine, to any person who is or has been a creditor in respect of principal money the payment of which has been guaranteed under section 10 above or section 7 of the Shipbuilding Industry Act 1967, for the purpose of supplementing the interest receivable or received by him on that principal money (including interest for periods before the coming into force of this Act).”

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

**C4** 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.

F22 . . .

**Textual Amendments**

**F22** S. 26 repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2, Pt.I](#); [S.I. 1991/2721](#), [art.2](#).

F23 **26** .....

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**Textual Amendments**

**F23** S. 26 repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), **Sch. 2, Pt.I**; S.I. 1991/2721, **art. 2**.

**PART IV**

DISCLOSURE OF INFORMATION

*Disclosure by Government*

**F24** 27 **Disclosure of information by Government.**

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**Textual Amendments**

**F24** S. 27 repealed (23.3.2011) by [Budget Responsibility and National Audit Act 2011 \(c. 4\)](#), **ss. 10(a)**, 29; S.I. 2011/892, **art. 2, Sch. 1**

**28—** ..... **F25**  
**34.**

**Textual Amendments**

**F25** Ss. 28–34 repealed by [Industry Act 1980 \(c. 33, SIF 64\)](#), **Sch. 2**

**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.

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- (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 [F26section 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.

**Textual Amendments**  
**F26** Words substituted by virtue of [Interpretation Act 1978 \(c. 30, SIF 115:1\)](#), s. **25(2)**

**37 Interpretation.**

- (1) In this Act, unless the context otherwise requires—
  - .....<sup>F27</sup>
  - “enactment” includes an enactment of the Parliament of Northern Ireland or the Northern Ireland Assembly;
  - “holding company” means a holding company as defined by [F28section 1159 of the Companies Act 2006];
  - “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;
  - .....<sup>F29</sup>
  - [F30 “ 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 [F31 of the Chancellor of the Exchequer ] ; ]
  - “subsidiary” means a subsidiary as defined by [F28section 1159 of the Companies Act 2006];
  - .....<sup>F27</sup>

<sup>F32</sup>(2) .....

- (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,

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training of staff,  
packaging.

<sup>F33</sup>(4) . . . . .

(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**

- F27** Definitions of "accounting year" and "wholly owned subsidiary" repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), **Sch. 2**, Pt.I; S.I. 1991/2721, **art. 2**.
- F28** Words in s. 37(1) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 33** (with art. 10)
- F29** Definitions repealed by [Industry Act 1980 \(c. 33, SIF 64\)](#), **Sch. 2**
- F30** 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
- F31** Words inserted by [S.I. 1989/992](#), art. 6(4), **Sch. 2 para. 2**
- F32** S. 37(2) repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), **Sch. 2**, Pt. I; S.I. 1991/2721, **art. 2**.
- F33** S. 37(4) repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), **Sch. 2**, Pt. I; S.I. 1991/2721, **art.2**.

**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>F34</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.
- (5) Notwithstanding the provisions—
  - (a) of section 12(3) of the<sup>M2</sup>Statutory Orders (Special Procedure) Act 1945, . . .<sup>F35</sup>
  - (b) . . . . .<sup>F36</sup>the former Act shall apply to any compensation order which extends to Northern Ireland, . . .<sup>F37</sup>

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*Changes to legislation: There are currently no known outstanding effects for the Industry Act 1975. (See end of Document for details)*

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- (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.

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**Textual Amendments**

- F34** S. 39(2) repealed by [Industrial Development Act 1982 \(c. 52, SIF 64\)](#), Sch. 2 Pt. I, **Sch. 3**
- F35** Word repealed by [Industry Act 1980 \(c. 33, SIF 64\)](#), **Sch. 2**
- F36** S. 39(5)(b) repealed by [Industry Act 1980 \(c. 33, SIF 64\)](#), **Sch. 2**
- F37** Words repealed by [Industry Act 1980 \(c. 33, SIF 64\)](#), **Sch. 2**
- 

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

- C5** 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.
- C6** Power of appointment conferred by s. 39(6) fully exercised: [S.I. 1975/1881](#)
- 

**Marginal Citations**

- M2** [1945 c. 18 \(9 & 10 Geo. 6\)](#).



*Changes to legislation: There are currently no known outstanding effects for the Industry Act 1975. (See end of Document for details)*

## SCHEDULES

### F38 SCHEDULE 1

Section 1.

#### THE NATIONAL ENTERPRISE BOARD

##### Textual Amendments

**F38** Sch. 1 paras. 1 - 6, 11 - 17 repealed (1.7.1996) and paras. 7 - 10, 18 - 20 repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2](#), Pts. I,III; S.I. 1991/2721, [art. 2](#); S.I. 1996/1448, [art. 2](#)

F39<sub>1</sub> .....

##### Textual Amendments

**F39** Sch. 1, para. 1 repealed (1.7.1996) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2 Pt. III](#); S.I. 1996/1448, [art. 2](#)

F40<sub>2</sub> .....

##### Textual Amendments

**F40** Sch. 1, para. 2 repealed (1.7.1996) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2 Pt. III](#); S.I. 1996/1448, [art. 2](#)

F41<sub>3</sub> .....

##### Textual Amendments

**F41** Sch. 1, para. 3 repealed (1.7.1996) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2](#), Pt. III; S.I. 1996/1448, [art. 2](#)

F42<sub>4</sub> .....

##### Textual Amendments

**F42** Sch. 1, para. 4 repealed (1.7.1996) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2](#), Pt. III; S.I. 1996/1448, [art. 2](#)

F43<sub>5</sub> .....

*Changes to legislation: There are currently no known outstanding effects for the Industry Act 1975. (See end of Document for details)*

**Textual Amendments**

**F43** Sch. 1, para. 5 repealed (1.7.1996) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2, Pt.III](#); S.I. 1996/1448, [art. 2](#)

F44 6 . . . . .

**Textual Amendments**

**F44** Sch. 1, para. 6 repealed (1.7.1996) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#),s. 17(2), [Sch. 2, Pt. III](#); S.I. 1996/1448, [art. 2](#)

F45 . . . . .

**Textual Amendments**

**F45** Sch. 1 paras 7 - 10 repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2 Pt. I](#); S.I. 1991/2721, [art. 2](#).

F46 7 . . . . .

**Textual Amendments**

**F46** Sch. 1, para. 7 repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2, Pt.I](#); S.I. 1991/2721, [art.2](#).

F47 8 . . . . .

**Textual Amendments**

**F47** Sch. 1, para. 8 repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2, Pt.I](#); S.I. 1991/2721, [art. 2](#).

F48 9 . . . . .

**Textual Amendments**

**F48** Sch. 1, para. 9 repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2, Pt.I](#); S.I. 1991/2721, [art. 2](#).

F49 10 . . . . .

**Textual Amendments**

**F49** Sch. 1, para. 10 repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2, Pt.I](#); S.I. 1991/2721, [art. 2](#).

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*[<sup>F50</sup> Disqualification of members of the Board for House of Commons]*

**Textual Amendments**

**F50** Sch. 1, para. 11 repealed (1.7.1996) by British Technology Group Act 1991 (c. 66, SIF 64), s. 17(2), Sch. 2, Pt.III; S.I. 1996/1448, art. 2

[<sup>F51</sup>11 . . . . .]

**Textual Amendments**

**F51** Sch. 1 para. 11 repealed (1.7.1996) by British Technology Group Act 1991 (c. 66, SIF 64), s. 17(2), Sch. 2, Pt. III; S.I. 1996/1448, art. 2

*F52 . . .*

**Textual Amendments**

**F52** Sch. 1 paras. 12 - 14 repealed (1.7.1996) by British Technology Group Act 1991 (c. 66, SIF 64), s. 17(2), Sch. 2, Pt.III; S.I. 1996/1448, art. 2

<sup>F53</sup>12 . . . . .

**Textual Amendments**

**F53** Sch. 1, para. 12 repealed (1.7.1996) by British Technology Group Act 1991 (c. 66, SIF 64), s. 17(2), Sch. 2, Pt.III; S.I. 1996/1448, art. 2

<sup>F54</sup>13 . . . . .

**Textual Amendments**

**F54** Sch. 1, para. 13 repealed (1.7.1996) by British Technology Group Act 1991 (c. 66, SIF 64), s. 17(2), Sch. 2, Pt. III; S.I. 1996/1448, art. 2

<sup>F55</sup>14 . . . . .

**Textual Amendments**

**F55** Sch. 1, para. 14 repealed (1.7.1996) by British Technology Group Act 1991 (c. 66, SIF 64), s. 17(2), Sch. 2, Pt. III; S.I. 1996/1448, art. 2

*Changes to legislation: There are currently no known outstanding effects for the Industry Act 1975. (See end of Document for details)*

F56 . . .

**Textual Amendments**

**F56** Sch. 1 paras. 15 - 17 repealed (1.7.1996) by British Technology Group Act 1991 (c. 66, SIF 64), s. 17(2), Sch. 2, Pt. III; S.I. 1996/1448, art. 2

F57 15 . . . . .

**Textual Amendments**

**F57** Sch. 1, para. 15 repealed (1.7.1996) by British Technology Group Act 1991 (c. 66, SIF 64), s. 17(2), Sch. 2, Pt. III; S.I. 1996/1448, art. 2

F58 16 . . . . .

**Textual Amendments**

**F58** Sch. 1, para. 16 repealed (1.7.1996) by British Technology Group Act 1991 (c. 66, SIF 64), s. 17(2), Sch. 2, Pt. III; S.I. 1996/1448, art. 2

F59 17 . . . . .

**Textual Amendments**

**F59** Sch. 1, para. 17 repealed (1.7.1996) by British Technology Group Act 1991 (c. 66, SIF 64), s. 17(2), Sch. 2, Pt. III; S.I. 1996/1448, art. 2

F60 . . .

**Textual Amendments**

**F60** Sch. 1 para. 18 repealed (6.1.1992) by British Technology Group Act 1991 (c. 66, SIF 64), s. 17(2), Sch. 2, Pt. I; S.I. 1991/2721, art. 2.

F61 18 . . . . .

**Textual Amendments**

**F61** Sch. 1, para. 18 repealed (6.1.1992) by British Technology Group Act 1991 (c. 66, SIF 64), s. 17(2), Sch. 2, Pt. I; S.I. 1991/2721, art. 2.

19 . . . . . F62

*Changes to legislation: There are currently no known outstanding effects for the Industry Act 1975. (See end of Document for details)*

**Textual Amendments**

**F62** Sch. 1 para. 19 repealed by Financial Services Act 1986 (c. 60, SIF 69), s. 212(3), **Sch. 17 Pt. I** and expressed to be repealed (6.1.1992) by British Technology Group Act 1991 (c. 66, SIF 64), s. 17(2), **Sch. 2 Pt.I; S.I. 1991/2721, art.2**

**F63** . . .

**Textual Amendments**

**F63** Sch. 1, para. 20 repealed (6.1.1992) by British Technology Group Act 1991 (c. 66, SIF 64), s. 17(2), **Sch. 2, Pt.I; S.I. 1991/2721, art. 2.**

**F64**<sup>20</sup> . . . . .

**Textual Amendments**

**F64** Sch. 1, para. 20 repealed (6.1.1992) by British Technology Group Act 1991 (c. 66, SIF 64), s. 17(2), **Sch. 2, Pt.I; S.I. 1991/2721, art. 2.**

**F65** SCHEDULE 2

. . .

**Textual Amendments**

**F65** Sch. 2, (paras. 1 - 8) repealed (6.1.1992) by British Technology Group Act 1991 (c. 66, SIF 64), s. 17(2), **Sch. 2, Pt.I; S.I. 1991/2721, art. 2.**

**F66** . . .

**Textual Amendments**

**F66** Sch. 2 para. 1 repealed (6.1.1992) by British Technology Group Act 1991 (c. 66, SIF 64), s. 17(2), **Sch. 2, Pt.I; S.I. 1991/2721, art.2.**

**F67**<sup>1</sup> . . . . .

**Textual Amendments**

**F67** Sch. 2 para. 1 repealed (6.1.1992) by British Technology Group Act 1991 (c. 66, SIF 64), s. 17(2), **Sch. 2, Pt. I; S.I. 1991/2721, art. 2.**

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F68 . . .

**Textual Amendments**

**F68** Sch. 2, para. 2 repealed (6.1.1992) by British Technology Group Act 1991 (c. 66, SIF 64), s. 17(2), **Sch. 2**, Pt. I; S.I. 1991/2721, **art. 2**.

F69 2 . . . . .

**Textual Amendments**

**F69** Sch. 2, para. 2 repealed (6.1.1992) by British Technology Group Act 1991 (c. 66, SIF 64), s. 17(2), **Sch. 2**, Pt. I (with savings for Sch. 2, para. 2(2) in Sch. 3, para. 3(1) and for Sch. 2, para. 2(3) in Sch. 3, para.6); S.I. 1991/2721, **art.2**.

F70 . . .

**Textual Amendments**

**F70** Sch. 2, para. 3 repealed (6.1.1992) by British Technology Group Act 1991 (c. 66, SIF 64), s. 17(2), **Sch. 2**, Pt.I; S.I. 1991/2721, **art. 2**.

F71 3 . . . . .

**Textual Amendments**

**F71** Sch. 2, para. 3 repealed (6.1.1992) by British Technology Group Act 1991 (c. 66, SIF 64), s. 17(2), **Sch. 2**, Pt. I; S.I. 1991/2721, **art. 2**.

F72 . . .

**Textual Amendments**

**F72** Sch. 2, para. 4 repealed (6.1.1992) by British Technology Group Act 1991 (c. 66, SIF 64), s. 17(2), **Sch. 2**, Pt. I; S.I. 1991/2721, **art. 2**.

F73 4 . . . . .

**Textual Amendments**

**F73** Sch. 2, para. 4 repealed (6.1.1992) by British Technology Group Act 1991 (c. 66, SIF 64), s. 17(2), **Sch. 2**, Pt.I (with saving and modifications for Sch. 2, para. 4(2)-(5) in Sch. 3, para. 4); S.I. 1991/2721, **art.2**

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F74 . . .

**Textual Amendments**

**F74** Sch. 2, para. 5 repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2, Pt. I](#); S.I. 1991/2721, [art. 2](#).

F75 . . .

**Textual Amendments**

**F75** Sch. 2, para. 5 repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2, Pt. I](#); S.I. 1991/2721, [art. 2](#).

F76 . . .

**Textual Amendments**

**F76** Sch. 2, para. 6 repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2, Pt. I](#); S.I. 1991/2721, [art. 2](#).

F77 . . .

**Textual Amendments**

**F77** Sch. 2, para. 6 repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2, Pt. I](#); S.I. 1991/2721, [art. 2](#).

F78 . . .

**Textual Amendments**

**F78** Sch. 2, para. 7 repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2, Pt. I](#); S.I. 1991/2721, [art. 2](#).

F79 . . .

**Textual Amendments**

**F79** Sch. 2, para. 7 repealed (6.1.1992) by [British Technology Group Act 1991 \(c. 66, SIF 64\)](#), s. 17(2), [Sch. 2, Pt. I](#) (with saving in [Sch. 3, para. 5\(2\)](#)); S.I. 1991/2721, [art. 2](#).

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F80 . . .

**Textual Amendments**

**F80** Sch. 2, para. 8 repealed (6.1.1992) by British Technology Group Act 1991 (c. 66, SIF 64), s. 17(2), Sch. 2, Pt.I; S.I. 1991/2721, art. 2.

F81g . . . . .

**Textual Amendments**

**F81** Sch. 2, para. 8 repealed (6.1.1992) by British Technology Group Act 1991 (c. 66, SIF 64), s. 17(2), Sch. 2, Pt. I (with saving in Sch. 3, para. 5(1)); S.I. 1991/2721, art.2.

SCHEDULE 3

Section 20.

ARBITRATION

**PART I**

GENERAL

*Establishment of Tribunal*

- 1 If a party to a dispute such as is mentioned in subsection (1) of section 20 above serves on the other party or parties to the dispute, at a time when no proceedings relating to it have been commenced in any court, a notice that he wishes the dispute to be determined by arbitration, the Secretary of State shall by order establish a tribunal to determine the dispute and any other dispute such as is mentioned in subsection (2) of that section.
- 2 An order under paragraph 1 above shall be laid before each House of Parliament.
- 3 A tribunal shall be a court of record and shall have an official seal which shall be judicially noticed.
- 4 <sup>F82</sup>(1) A tribunal shall, as the Lord Chancellor may<sup>F83</sup>, after consulting the Lord Chief Justice of England and Wales, the Lord President of the Court of Session and the Lord Chief Justice of Northern Ireland, ] direct, either sit as a single tribunal or sit in two or more divisions and, subject to paragraph 5 below, shall, for the hearing of any proceedings, consist of—
  - (a) a president who shall be
    - <sup>F84</sup>(i) a person who satisfies the judicial-appointment eligibility condition on a 5-year basis; or]
    - <sup>F85</sup>(ii) a member of the Bar of Northern Ireland or <sup>F86</sup>solicitor of the Court of Judicature of Northern] of at least <sup>F87</sup>5 ]years' standing,] appointed by the Lord Chancellor, and



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- (b) two other members appointed by the Secretary of State, one being a person of experience in business and the other being a person of experience in finance.
- [<sup>F88</sup>(2) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.
- (3) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this paragraph.
- (4) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this paragraph—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

#### Textual Amendments

- F82** Sch. 3 para. 4(1): Sch. 3 para. 4 renumbered as Sch. 3 para. 4(1) (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 4 para. 81\(2\)\(a\)](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)
- F83** Words in Sch. 3 para. 4(1) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 4 para. 81\(2\)\(b\)](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)
- F84** Sch. 3 para. 4(1)(a)(i) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 10 para. 12\(2\)](#); S.I. 2008/1653, art. 2(d) (with arts. 34)
- F85** Sch. 3 para. 4(a)(i)(ii) substituted for words by [Courts and Legal Services Act 1990 \(c. 41\)](#), SIF 37), s. 71(2), [Sch. 10 para. 39](#)
- F86** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 11 para. 5](#); S.I. 2009/1604, art. 2(d)
- F87** Word in Sch. 3 para. 4(1)(a)(ii) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 10 para. 12\(3\)](#); S.I. 2008/1653, art. 2(d) (with arts. 34)
- F88** Sch. 3 para. 4(2)-(4) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 4 para. 81\(2\)\(c\)](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

- 5 In its application to proceedings which, by virtue of paragraph 18 below, are to be treated as Scottish proceedings, [<sup>F89</sup>paragraph 4(1)] above shall have effect with the substitution, for sub-paragraph (a) thereof, of the following sub-paragraph:—

“(a) a president who shall be an advocate or solicitor who has practised in Scotland and who shall be appointed by the Lord President of the Court of Session”.

#### Textual Amendments

- F89** Words in Sch. 3 para. 5 substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 4 para. 81\(3\)](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

- 6 [<sup>F90</sup>(1)] [<sup>F91</sup>Subject, in the case of the president of a tribunal, to sub-paragraph (2) below] The members of a tribunal shall hold office for such period as may be determined at the time of their respective appointments and shall be eligible for reappointment but, notwithstanding that the period for which a member was appointed has not expired,

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- (a) a member may, at any time by not less than one month's notice in writing to his appointor, resign his office;
- (b) the appointor of a member may declare the office of that member vacant on the ground that he is unfit to continue in his office; and
- (c) if any member <sup>F92</sup>is the subject of a bankruptcy restrictions order <sup>F93</sup>or an interim bankruptcy restrictions order, or a debt relief restrictions order or interim debt relief restrictions order under Schedule 4ZB of the Insolvency Act 1986] or, in Scotland, if sequestration of a member's estate is awarded <sup>F94</sup>..., his office shall thereupon become vacant.

<sup>F95</sup>(2) No appointment of a person to be the president of a tribunal shall be such as to extend beyond the day on which he attains the age of <sup>F96</sup>75.]

#### Textual Amendments

- F90** Sch. 3 para. 6 numbered as sub-paragraph (1) of that paragraph (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para. 52(1)** (with **Sch. 7 paras. 2(2), 3(2), 4**); S.I. 1995/631, **art. 2**.
- F91** Words in Sch. 3 para. 6(1) inserted (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para. 52(2)** (with **Sch. 7 paras. 2(2), 3(2), 4**); S.I. 1995/631, **art. 2**.
- F92** Words in Sch. 3 para. 6(1)(c) substituted (29.6.2006) by Enterprise Act 2002 (Disqualification from Office: General) Order 2006 (S.I. 2006/1722), art. 1(1), **Sch. 2 para. 1(a)**
- F93** Words in Sch. 3 para. 6(1)(c) substituted (1.10.2012) by The Tribunals, Courts and Enforcement Act 2007 (Consequential Amendments) Order 2012 (S.I. 2012/2404), art. 1, **Sch. 2 para. 9** (with arts. 5, 6)
- F94** Words in Sch. 3 para. 6(1)(c) omitted (29.6.2006) by virtue of Enterprise Act 2002 (Disqualification from Office: General) Order 2006 (S.I. 2006/1722), art. 1(1), **Sch. 2 para. 1(b)**
- F95** Sch. 3 para. 6(2) added (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para. 52(2)** (with **Sch. 7 paras. 2(2), 3(2), 4**); S.I. 1995/631, **art. 2**.
- F96** Word in Sch. 3 para. 6(2) substituted (10.3.2022) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(a), **Sch. 1 para. 13** (with Sch. 1 para. 43)

7 If any member of a tribunal becomes, by reason of illness or other infirmity, temporarily incapable of performing the duties of his office, his appointor shall appoint some other fit person to discharge his duties for any period not exceeding 6 months at any one time, and the person so appointed shall during that period have the same powers as the person in whose place he was appointed.

8 In this Part of this Schedule, “appointor”, in relation to a member of a tribunal means—

- (a) in the case of a member appointed under sub-paragraph (a) of <sup>F97</sup>paragraph 4(1)] above, the Lord Chancellor or, if paragraph 5 above applies, the Lord President of the Court of Session; and
- (b) in the case of any other member, the Secretary of State.

#### Textual Amendments

- F97** Words in Sch. 3 para. 8(a) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 81(4)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

<sup>F98</sup>8A Where the appointor is, by virtue of paragraph 8(a), the Lord Chancellor, the power conferred by paragraph 6(1)(b) may be exercised only with the concurrence of the appropriate senior judge.

*Changes to legislation: There are currently no known outstanding effects for the Industry Act 1975. (See end of Document for details)*

**Textual Amendments**

**F98** Sch. 3 para. 8A, 8B inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 4 para. 81\(5\)](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

8B The appropriate senior judge is the Lord Chief Justice of England and Wales, unless the member to be removed exercises functions wholly or mainly in Northern Ireland, in which case it is the Lord Chief Justice of Northern Ireland.]

**Textual Amendments**

**F98** Sch. 3 para. 8A, 8B inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 4 para. 81\(5\)](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

9 In Part II of Schedule 1 to the <sup>M3</sup>House of Commons Disqualification Act 1975 and in Part II of Schedule 1 to the <sup>M4</sup>Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified), there shall be inserted at the appropriate place in alphabetical order:— “An Arbitration Tribunal established under Schedule 3 to the Industry Act 1975”.

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

**C7** 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.

**Marginal Citations**

**M3** 1975 c.24

**M4** 1975 c.25

<sup>F99</sup>10 .....

**Textual Amendments**

**F99** Sch. 3 para. 10 repealed (1.10.1992) by [Tribunals and Inquiries Act 1992 \(c. 53\)](#), ss. 18(2), 19(2), [Sch. 4 Part I](#)

*Staff and expenses*

11 A tribunal may appoint such officers as they consider necessary for assisting them in the proper execution of their duties.

12 (1) There shall be paid to members of a tribunal such remuneration (whether by way of salaries or fees) and such allowances as the Secretary of State may, with the approval of [<sup>F100</sup>the Treasury], determine.

(2) There shall be paid to any officer appointed under paragraph 11 above and any person to whom proceedings are referred by the tribunal under paragraph 27 below for inquiry and report such remuneration (whether by way of salary or fees) and such allowances as the tribunal may, with the approval of the Secretary of State given with the consent of [<sup>F100</sup>the Treasury], determine.

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*Changes to legislation: There are currently no known outstanding effects for the Industry Act 1975. (See end of Document for details)*

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- (3) The Secretary of State shall pay such remuneration and allowances and any other expenses of a tribunal shall be defrayed by the Secretary of State out of money provided by Parliament.

**Textual Amendments**

**F100** Words substituted by virtue of S.I. 1981/1670, arts. 2(1)(d)(2), 3(5)

**PART II**

PROCEEDINGS

*Proceedings other than Scottish proceedings*

- 13 Paragraphs 14 to 17 below shall have effect with respect to proceedings of a tribunal other than those which, by virtue of paragraph 18 below, are to be treated as Scottish proceedings.
- 14 The provisions of [<sup>F101</sup>Part I of the Arbitration Act 1996] with respect to—
- (a) the administration of oaths and the taking of affirmations,
  - (b) the correction in awards of mistakes and errors,
  - (c) the summoning, attendance and examination of witnesses and the production of documents, and
  - (d) the costs of the reference and award,
- shall, with any necessary modifications, apply in respect of such proceedings but, except as provided by this paragraph, the provisions of [<sup>F102</sup>that Part] shall not apply to any such proceedings.

**Textual Amendments**

**F101** Words in Sch. 3 para. 14 substituted (31.1.1997 subject to transitional provisions) by 1996 c. 23, s. 107(1), Sch. 3 para. 30(a); S.I. 1996/3146, art. 3.

**F102** Words in Sch. 3 para. 14 substituted (31.1.1997 subject to transitional provisions) by 1996 c. 23, s. 107(1), Sch. 3 para. 30(b) (with s. 81(2)); S.I. 1996/3146, art. 3.

- 15 A tribunal may, and if so ordered by the Court of Appeal shall, state in the form of a special case for determination by the Court of Appeal any question of law which may arise in such proceedings.
- 16 An appeal shall lie to the Court of Appeal on any question of law or fact from any determination or order of the tribunal with respect to compensation under section 16(6) above.
- 17 (1) Subject to the provisions of this Schedule, the procedure in or in connection with any such proceedings shall be such as may be determined by rules made by the Lord Chancellor by statutory instrument.
- (3) A statutory instrument containing rules made under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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*Changes to legislation:* There are currently no known outstanding effects for the Industry Act 1975. (See end of Document for details)

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### *Scottish proceedings*

- 18 Where a dispute submitted to a tribunal relates to capital of a body corporate whose principal place of business is situated in Scotland, or assets which are situated in Scotland, then, subject to paragraph 20 below, the proceedings before the tribunal in respect of the dispute shall be treated as Scottish proceedings.
- 19 If, at any stage in any proceedings before a tribunal which would not otherwise fall to be treated as Scottish proceedings, the tribunal are satisfied that, by reason of the fact that questions of Scottish law arise or for any other reason, the proceedings ought thereafter to be treated as Scottish proceedings, the tribunal may order that they shall thereafter be so treated and the provisions of this Schedule shall have effect accordingly.
- 20 If, at any stage in any proceedings before a tribunal which would otherwise be treated as Scottish proceedings, the tribunal are satisfied that, by reason of the fact that questions of English law arise or for any other reason, the proceedings ought not to be treated as Scottish proceedings, they may make an order that the proceedings shall thereafter not be treated as Scottish proceedings and the provisions of this Schedule shall have effect accordingly.
- 21 In Scottish proceedings a tribunal shall have the like powers for securing the attendance of witnesses and the production of documents and with regard to the examination of witnesses on oath and the awarding of expenses as if the tribunal were an arbiter under a submission.
- 22 A tribunal may and if so directed by the Court of Session shall state a case for the opinion of that Court on any question of law arising in Scottish proceedings.
- 23 (1) An appeal shall lie to the Court of Session on any question of law or fact from any determination or order of the tribunal with respect to compensation under section 16(6) above.
- (2) An appeal shall lie, with the leave of the Court of Session or of the [<sup>F103</sup>Supreme Court], from any decision of the Court of Session under this paragraph, and such leave may be given on such terms as to costs or otherwise as the Court of Session or the [<sup>F103</sup>Supreme Court] may determine.

#### **Textual Amendments**

**F103** Words in [Sch. 3 para. 23\(2\)](#) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 9 para. 27](#); [S.I. 2009/1604, art. 2\(d\)](#)

- 24 (1) Subject to the provisions of this Schedule, the procedure in or in connection with Scottish proceedings shall be such as may be determined by rules made by the Lord Advocate by statutory instrument.
- (2) A statutory instrument containing rules made under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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

**C8** [Sch. 3 para. 24](#): functions of the Lord Advocate transferred to the Secretary of State, and all property, rights and liabilities to which the Lord Advocate is entitled or subject in connection with any such function transferred to the Secretary of State for Scotland (19.5.1999) by [S.I. 1999/678, arts. 2\(1\), 3, Sch.](#) (with [art. 7](#))

*Changes to legislation: There are currently no known outstanding effects for the Industry Act 1975. (See end of Document for details)*

Sch. 3 para. 24: transfer of functions (1.7.1999) by S.I. 1999/1750, art. 2, Sch. 1 (with art. 7)

- 25 Unless the tribunal consider that there are special reasons for not doing so, they shall sit in Scotland for the hearing and determination of any Scottish proceedings.

*All proceedings*

- 26 Every order of a tribunal—
- (a) shall be enforceable in England and Wales and Northern Ireland as if it were an order of the High Court; and
  - (b) may be recorded for execution in the books of Council and Session and may be enforced accordingly.
- 27 A tribunal may, at any stage in any proceedings before them, refer to a person or persons appointed by them for the purpose any question arising in the proceedings, other than a question which in their opinion is primarily one of law, for inquiry and report, and the report of any such person or persons may be adopted wholly or partly by the tribunal and, if so adopted, may be incorporated in an order of the tribunal.

SCHEDULE 4

<sup>F104</sup>PART I

**Textual Amendments**

**F104** Sch. 4 Pt. I repealed by Industrial Development Act 1982 (c. 52, SIF 64), Sch. 2 Pt. I, Sch. 3

<sup>F105</sup>PART II

**Textual Amendments**

**F105** Sch. 4 Pt. II repealed by Industry Act 1980 (c. 33, SIF 64), Sch. 2

<sup>F106</sup>SCHEDULE 5

**Textual Amendments**

**F106** Sch. 5 repealed (23.3.2011) by Budget Responsibility and National Audit Act 2011 (c. 4), ss. 10(a), 29; S.I. 2011/892, art. 2, Sch. 1

*Changes to legislation: There are currently no known outstanding effects for the Industry Act 1975. (See end of Document for details)*

F107F107 SCHEDULE 6

**Textual Amendments**

F107 Sch. 6 repealed by Industry Act 1980 (c. 33, SIF 64), Sch. 2

F107

F108 SCHEDULE 7

**Textual Amendments**

F108 Sch. 7 repealed by Industrial Development Act 1982 (c. 52, SIF 64), Sch. 2 Pt. I, Sch. 3

SCHEDULE 8

Section 39.

REPEALS

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

C9 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.

Chapter	Short Title	Extent of Repeal
1972 c.63	The Industry Act 1972.	<p>In section 6(2), in the definition of “machinery or plant” the words “or a pipe-line”; the definition of “pipeline” and in the definition of “works” the words “or a pipeline”.</p> <p>In section 7, in subsection (4), the words from the beginning to “and” and subsection (5).</p> <p>In section 8, in subsection (1) paragraph (c) and the word “and” immediately preceding it, in subsection (3) the words from the beginning to “and” in the first place where it</p>

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**Changes to legislation:** There are currently no known outstanding effects for the Industry Act 1975. (See end of Document for details)

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occurs and paragraph (b) and the word “and” immediately preceding it, and subsections (4) and (5).

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**Changes to legislation:**

There are currently no known outstanding effects for the Industry Act 1975.