



Co-operative Development Agency and Industrial Development Act 1984

CHAPTER 57

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Co-operative Development Agency and Industrial Development Act 1984

1984 CHAPTER 57

An Act to amend the Co-operative Development Agency Act 1978 and confer power on the Secretary of State to dissolve the Agency; to amend the power in section 1 of the Industrial Development Act 1982 to designate assisted areas and to replace the provisions of Part II of that Act for the making of regional development grants.
[31st October 1984]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

CO-OPERATIVE DEVELOPMENT AGENCY

1.—(1) Section 4 of the Co-operative Development Agency Act 1978 ("the 1978 Act") (which section empowers the Secretary of State to make grants to the Agency) shall be amended as follows. Increase in limit on grants to Agency.
1978 c. 21.

(2) In subsection (1), for the words from "£900,000 or such greater amount" to the end of the subsection there shall be substituted the words "£3,000,000".

(3) Subsection (3) shall be omitted.

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Extension of
functions and
control of
Agency.

2.—(1) The 1978 Act shall be further amended as follows.

(2) In section 2 (functions of Agency)—

(a) after paragraph (b), there shall be inserted the following paragraph—

“(bb) to make such grants or loans to promote the establishment or development of co-operatives as the Agency considers it necessary or expedient to make for those purposes or to assist others to make grants or loans for those purposes;” and

(b) for paragraph (h), there shall be substituted the following paragraph—

“(h) to provide or assist others to provide such training courses for members or prospective members of co-operatives or other persons involved in the co-operative movement as the Agency considers necessary or expedient and to keep under review and make recommendations concerning the training courses available to such persons;”.

(3) In section 3 (extent of incidental powers of Agency)—

(a) in subsection (1), for the words “subject to subsections (2) and (3) below” there shall be substituted the words “subject to subsection (3) below”;

(b) subsection (2) and subsection (3)(b) shall be omitted;

(c) in subsection (3)(c), after the word “loans”, there shall be inserted the words “for purposes outside those specified in section 2(bb) above”;

(d) in subsection (3)(d), after the word “grants”, there shall be inserted the words “for purposes outside those specified in section 2(bb) above”;

(e) after subsection (3)(e), there shall be added the following paragraph—

“(f) to meet the cost of making grants or loans for the purposes specified in section 2(bb) above by borrowing or resorting to grants made to it under section 4(1) below;” and

(f) in subsection (4), after the word “functions”, there shall be inserted the words “other than its functions under section 2(bb) above”.

(4) After section 3 there shall be inserted the following section—

“Directions
by Secretary
of State.

3A. The Secretary of State may, after consultation with the Agency, give the Agency directions of a general or specific character as to the discharge of its functions; and the Agency shall comply with such directions.”

3.—(1) The Secretary of State may, by order, on such day as he may appoint—

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Power to
dissolve
Agency.

- (a) terminate the exercise by the Agency of its functions except for the purpose of winding up its affairs;
- (b) vest in himself any property, rights or liabilities of the Agency; and
- (c) dissolve the Agency.

(2) Different days may be appointed for different purposes of this section.

(3) Any order under this section may include such incidental, supplemental, consequential or transitional provisions as the Secretary of State thinks fit.

(4) Any sums received by the Secretary of State by virtue of subsection (1)(b) above shall, if not applied by him for purposes corresponding with the functions assigned to the Agency by the 1978 Act, be paid by him into the Consolidated Fund; and any sums required after the dissolution of the Agency to defray any of its liabilities shall be paid out of money provided by Parliament.

(5) An order under this section shall be made by statutory instrument; but no order containing provision for the purpose specified in subsection (1)(a) above shall be made without first consulting the persons required by section 1(3) of the 1978 Act to be consulted for the purposes of that section and unless a draft of it has been laid before Parliament and approved by a resolution of each House.

PART II

ASSISTED AREAS AND REGIONAL DEVELOPMENT GRANTS

4. In section 1 of the Industrial Development Act 1982, for subsection (4) (which enables orders under the section to describe the assisted areas by reference to employment office areas) there shall be substituted the following subsection—

Designation
of assisted
areas.
1982 c. 52.

“(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);

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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."

This section has effect subject to any provision of the commencement order under section 7(1)(b) below with respect to any description of financial assistance dependent on the designation of areas under the said section 1 and, without prejudice to the generality of the foregoing words, nothing in the substitution effected by this section in its application to section 1(10) of the Derelict Land Act 1982 shall affect any orders made under section 1(7) of that Act before the substitution takes effect.

1982 c. 42.

New scheme
of regional
development
grants.

1982 c. 52.

5.—(1) Subject to subsection (3) below, and to any provision of the commencement order under section 7(1)(b) below, the provisions for the making of regional development grants set out in Part I of Schedule 1 to this Act shall be substituted for Part II of the Industrial Development Act 1982.

(2) The enactments specified in Part II of that Schedule shall have effect subject to the amendments specified in that Part, being amendments consequential on the substitution effected by subsection (1) above.

(3) On the occasion of the first exercise of the power to make an order under paragraph (b), (c) or (d) of section 5(1) of the Industrial Development Act 1982 as substituted by subsection (1) above subsection (4) below shall apply instead of paragraph (b) of subsection (8) of that section.

(4) Where this subsection applies in relation to an order, the instrument containing the order shall be laid before Parliament after being made and, unless the order is approved by resolution of each House of Parliament before the end of the period of 40 days beginning with the date on which it was made, it shall cease to have effect at the end of that period, but without prejudice to anything previously done under it or to the making of a new order.

(5) In reckoning for the purposes of subsection (4) above any period of 40 days no account shall be taken of any period during which Parliament is dissolved or prorogued or during which both Houses of Parliament are adjourned for more than 4 days.

(6) There shall be paid out of money provided by Parliament any grants under the provisions substituted by subsection (1) above; and any receipts of the Secretary of State under those provisions shall be paid into the Consolidated Fund.

PART III

PART III

SUPPLEMENTAL

6. The enactments specified in Schedule 2 to this Act (one of which is spent) are hereby repealed to the extent specified in the third column of that Schedule but, in the case of the enactments specified in Part II, only if an order is made under section 3 above dissolving the Co-operative Development Agency. Repeals.

7.—(1) The provisions of this Act shall come into force as follows— Commencement and transition.

- (a) Part I shall come into force on the day this Act is passed;
- (b) Part II shall come into force on such day as the Secretary of State appoints by order made by statutory instrument; and
- (c) this Part shall come into force on the day this Act is passed except that section 6 above and the repeals in Schedule 2 shall come into force in accordance with the provisions at the end of Parts I, II and III of that Schedule.

(2) An order under subsection (1)(b) above may contain such transitional, saving and supplemental provisions as appear to the Secretary of State to be appropriate in connection with the transition from the existing to the new provisions for the making of regional development grants.

(3) Without prejudice to subsection (2) above, an order under subsection (1)(b) above may include provision as respects the circumstances in which, the extent to which and the conditions subject to which—

- (a) grants may be made after the appointed day under the statutory provisions and the map of assisted areas in force immediately before that day, and
- (b) grants may be made under the statutory provisions and the map of assisted areas brought into force on that day in respect of projects partly carried out by that day;

and the circumstances by reference to which any such provision is to operate may include circumstances existing before the day on which this Act is passed, and so with conditions.

(4) In subsection (3) above “the map of assisted areas” means the totality of development areas and intermediate areas specified or designated under section 1 of the Industrial Development Act 1982 and “the statutory provisions” include the provisions of orders made or having effect as if made under that section. 1982 c. 52.

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(5) If the power to amend provisions included by virtue of subsection (2) or (3) above in an order under subsection (1)(b) above is exercised after the appointed day the amendments may be made so as to have effect as from that, or any later, day.

**Short title and
extent.**

8.—(1) This Act may be cited as the Co-operative Development Agency and Industrial Development Act 1984.

(2) Part I of this Act and the repeals in Parts I and II of Schedule 2 together with so much of section 6 as relates to those repeals extend to Northern Ireland ; but otherwise this Act does not extend there.

SCHEDULES

SCHEDULE 1

Section 5.

NEW REGIONAL DEVELOPMENT GRANTS

PART I

PROVISIONS SUBSTITUTED AS PART II OF INDUSTRIAL DEVELOPMENT ACT 1982

"PART II

REGIONAL DEVELOPMENT GRANTS

Grants for
projects of
investment
in develop-
ment areas.

2.—(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 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.

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(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.

Approval of projects by Secretary of State.

3.—(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—

- (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

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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.

Amount and
payment of
grant.

4.—(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

(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 subsection (4) below, at such times as the Secretary of State determines.

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(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.

Provisions
supple-
mentary to
ss. 3 and 4.

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

(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

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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—
- (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 ;

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- (e) the number of jobs a project is to be treated as providing where some of them are less than full-time.

Conditions. 6.—(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 overpayment of grant.

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

PART II

CONSEQUENTIAL AMENDMENTS

Industry Act 1975 (c. 68)

1. In section 37(1) of the Industry Act 1975, for the definition of “Standard Industrial Classification” there shall be substituted—

“ ‘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 ; ”.

Energy Act 1976 (c. 76)

2. In section 21 of the Energy Act 1976, for the definition of “Standard Industrial Classification” there shall be substituted—

“ ‘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 ; ”.

Derelict Land Act 1982 (c. 42)

3. In section 1(10) of the Derelict Land Act 1982, for the words “employment office areas)” there shall be substituted the words “areas created or existing for other purposes)”.

Industrial Development Act 1982 (c. 52)

4. In section 1 of the Industrial Development Act 1982—

(a) in subsection (5), for the word “change” there shall be substituted the word “variation” and at the end there shall be added the words “but no provision shall be made hav-

ing 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).”

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(b) for subsection (6) there shall be substituted the following subsection—

“(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.”; and

(c) in subsection (8), for the words “section 4(5)(a)” there shall be substituted the words “section 5(8)(b)”.

5. In Schedule 1 to that Act, paragraph 2 shall become subparagraph (1) of that paragraph and at the end of it there shall be inserted the following sub-paragraph—

“(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 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.”

6. In that Schedule, there shall be substituted for paragraph 6 the following paragraph—

“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.”

SCHEDULE 2

Section 6.

REPEALS

PART I

REPEALS RELATING TO AGENCY

Chapter	Short title	Extent of repeal
1978 c. 21.	Co-operative Develop- Agency Act 1978.	Section 3(2) and (3)(b). Section 4(3).

These repeals have effect on the day this Act is passed.

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PART II

REPEALS IN EVENT OF DISSOLUTION OF AGENCY

Chapter	Short title	Extent of repeal
1975 c. 24.	House of Commons Disqualification Act 1975.	In Part II of Schedule 1, the entry relating to the Co-operative Development Agency.
1975 c. 25.	Northern Ireland Assembly Disqualification Act 1975.	In Part II of Schedule 1, the entry relating to the Co-operative Development Agency.
1978 c. 21.	Co-operative Development Agency Act 1978.	The whole Act so far as unrepealed.
1984 c. 57.	Co-operative Development Agency and Industrial Development Act 1984.	Sections 1 and 2.

These repeals have effect on such day (if any) as is appointed under section 3 above for the dissolution of the Agency.

PART III

REPEALS RELATING TO REGIONAL DEVELOPMENT GRANTS

Chapter	Short title	Extent of repeal
1982 c. 52.	Industrial Development Act 1982.	Section 18(2). In Schedule 1, paragraph 3(4). In Part II of Schedule 2, paragraph 12 and paragraph 14.

These repeals have effect on such day as is appointed under section 7(1)(b) above for the coming into force of Part II of this Act.

PRINTED IN ENGLAND BY W. J. SHARP

Controller and Chief Executive of Her Majesty's Stationery Office and
Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

£2.70 net

(545747)

ISBN 0 10 545784 1