
STATUTORY INSTRUMENTS

1986 No. 1302 (N.I. 14)
NORTHERN IRELAND
The Social Need
(Northern Ireland) Order 1986

Laid before Parliament in draft

Made 25th July 1986

Coming into Operation 26th September 1986

ARRANGEMENT OF ORDER

Article

1. Title and commencement.
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At the Court at Buckingham Palace, the 25th day of July 1986

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974, and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1974 c. 28

Title and commencement

1.—(1) This Order may be cited as the Social Need (Northern Ireland) Order 1986.

(2) This Order shall come into operation on the expiration of two months from the day on which it is made.

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Interpretation

1954 c. 33 (N.I.) **2.—**(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“the Department” means the Department of the Environment;

“district” means a local government district such as is mentioned in section 1(1) of the Local Government Act (Northern Ireland) 1972.

1972 c. 9 (N.I.)

Power to provide financial assistance

3.—(1) The Department may provide financial assistance for any body or person doing or intending to do in a district where there exist one or more areas of social need anything falling within paragraph (2).

(2) Financial assistance under paragraph (1) may be provided for—

(a) the promotion, development or regeneration of commercial, industrial or other economic activity;

(b) the improvement of the environment;

(c) the provision of housing;

(d) the provision of social or community facilities;

(e) the refurbishment or restructuring of buildings;

or for anything not falling within sub-paragraphs (a) to (e) which the Department considers will benefit the district.

(3) Financial assistance under paragraph (1) may include—

(a) grants;

(b) loans;

(c) guarantees;

(d) the taking of any interest in property or in a body corporate.

Conditions attaching to financial assistance under Article 3

4.—(1) In giving financial assistance under Article 3, the Department may impose such conditions as it thinks fit and such conditions may include conditions for repayment in specified circumstances.

(2) Any person who without reasonable excuse fails to comply with any condition subject to which financial assistance was given to him under Article 3 requiring him to inform the Department of any event whereby the financial assistance becomes repayable in whole or in part shall be guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum; or

(b) on conviction on indictment, to a fine.

(3) The Department may by notice require any person who has received financial assistance under Article 3, and any person acting on his behalf, to furnish to the Department such information, or to

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produce for examination on behalf of the Department such books, records or other documents, as may be specified in the notice for the purpose of enabling the Department to determine whether any condition subject to which the financial assistance is given is satisfied or is being complied with or whether the financial assistance has become repayable in whole or in part in accordance with any such condition.

(4) Subject to paragraph (5), a notice under paragraph (3) may require the information to which it relates to be furnished within such time as may be specified in the notice, and may require the books, records or other documents to which it relates to be produced at such time and place as may be so specified.

(5) The time specified in a notice under paragraph (3) for furnishing any information or producing any document shall not be earlier than the end of the period of twenty-eight days beginning with the service of the notice.

(6) Any person who in purported compliance with a notice under paragraph (3) knowingly or recklessly makes any statement or produces any document which is false in a material particular shall be guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months or to both; or

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(7) Any person who without reasonable excuse fails to comply with a notice under paragraph (3) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(8) Any conditions for repayment imposed under paragraph (1) shall, if the conditions so provide, be a statutory charge and in the event of any financial assistance under Article 3 becoming repayable in circumstances specified in the conditions, the amount of that assistance (as assessed in accordance with the conditions) shall be deemed to be a charge upon any property so specified; and accordingly in Schedule 11 to the Land Registration Act (Northern Ireland) 1970 (matters required to be registered in the Statutory Charges Register) after paragraph 39 there shall be added the following paragraph—

“40. Any conditions imposed under Article 4(1) of the Social Need (Northern Ireland) Order 1986 for the repayment of financial assistance under that Order, being conditions which provide that they shall be a statutory charge.”.

1970 c. 18 (N.I.)

Power to carry out works for the improvement of the environment

5. The Department may carry out works which the Department considers will contribute directly or indirectly to the improvement of

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the environment of a district where there exist one or more areas of social need.

Studies, etc., for purposes of this Order

6. The Department may carry out or give financial assistance towards the carrying out of such studies, investigations and research as the Department considers will further the purposes of this Order.

Repeals

1970 c. 13 (N.I.)

1975 NI 2

7. The Social Need (Grants) Act (Northern Ireland) 1970 and paragraph (a) of Article 5 of the Community Relations (Amendment) (Northern Ireland) Order 1975 are hereby repealed.

G. I. de Deney,
Clerk of the Privy Council.

EXPLANATORY NOTE

(This Note is not part of the Order.)

Article 3 of this Order enables the Department of the Environment to provide financial assistance for such matters as the promotion, development or regeneration of commercial, industrial or other economic activity and the improvement of the environment in local government districts in Northern Ireland where there exist areas of social need.

Article 4 contains supplementary provisions regarding financial assistance under Article 3. Article 5 enables the Department to carry out environmental improvement works and Article 6 provides for studies, investigation and research for the purposes of this Order.