
STATUTORY INSTRUMENTS

1989 No. 490

The Lagside Development(Northern Ireland) Order 1989

PART III

OBJECT AND POWERS OF THE CORPORATION

Powers in relation to land

Acquisition of land by the Corporation

20.—(1) The Corporation may acquire by agreement or compulsorily—

- (a) land in the designated area;
- (b) land adjacent to the designated area which the Corporation requires for purposes connected with the discharge of the Corporation’s functions in the designated area.

(2) Where the Corporation desires to acquire land compulsorily it may apply to the Department for an order (in this Article referred to as a “vesting order”) vesting the land in the Corporation and the Department may make a vesting order.

(3) Schedule 6 to the Local Government Act (Northern Ireland) 1972(1) shall, subject to the modifications specified in Schedule 3, apply for the purposes of the acquisition of land by means of a vesting order made under this Article in the same manner as it applies to the acquisition of land by means of a vesting order made under that Act.

(4) The power to make a vesting order in respect of any land by virtue of this Article includes power to create and vest in the Corporation new rights over the land as well as to vest existing rights.

(5) The Planning Blight (Compensation) (Northern Ireland) Order 1981(2) shall apply to land which the Corporation has resolved to acquire under this Article as it applies to land specified in Article 3(1) of that Order.

(6) The Corporation may, with the approval of the Department, make an order extinguishing or modifying any public right of way over land acquired by it under this Article; and subsections (2) to (9) of section 67F of the Transport Act (Northern Ireland) 1967(3) shall apply to an order under this paragraph as they apply to an order under subsection (1) of that section, but with the substitution for references to the Holding Company of references to the Corporation.

Power to enter land

21.—(1) Subject to this Article, a person authorised in writing by the Corporation may, on production if required of his authority, at any reasonable time enter any land for the purpose of—

- (a) surveying or examining the land in order to ascertain the suitability of the land for the execution of works or whether it ought to be acquired by the Corporation under Article 20;

(1) 1972 c. 9 (N.I.)

(2) 1981 NI 16

(3) 1967 c. 37 (N.I.)

- (b) executing any works authorised or required by this Order to be executed by the Corporation;
- (c) inspecting, repairing, altering, renewing or removing any works executed under this Order in or on the land;
- (d) ascertaining whether or not circumstances exist which would authorise the Corporation to take any action or execute any works under this Order; or
- (e) taking any other action authorised or required by this Order to be taken by the Corporation.

(2) No person shall be entitled to exercise the power of entry conferred by paragraph (1) in relation to any land unless the Corporation has given—

- (a) where entry is required solely for the purpose of examination, at least 24 hours' notice of the intended entry to the occupier of the land; or
- (b) where entry is sought for any other purpose, at least 6 days' notice of the intended entry to the occupier and to the owner if the owner is known,

or, in either case, such lesser period of notice as may be agreed between the Corporation and the occupier or owner.

(3) Where notice of intended entry for a particular purpose has been given as respects the first occasion on which the right of entry is exercised, no further notice shall be required before entering on the land on a subsequent occasion in connection with that purpose.

(4) If it is shown to the satisfaction of a justice of the peace on a sworn complaint in writing—

- (a) that admission to the land which any person is entitled to enter by virtue of this Article, has been refused to that person, or that refusal is apprehended, or that the land is unoccupied, or the occupier is temporarily absent, or that the case is one of urgency; and
- (b) that there are reasonable grounds for entry to the land for any purpose for which entry is required,

the justice may by warrant under his hand authorise that person to enter on the land if need be by force.

(5) Every warrant granted under this Article shall continue in force until the purpose for which entry is necessary has been satisfied.

(6) Any person entering any land by virtue of the power of entry conferred by this Article or by virtue of a warrant issued under this Article—

- (a) may take with him such other persons and such equipment as may be necessary; and
- (b) on leaving any unoccupied land which he has entered by virtue of such a power of entry or such a warrant shall leave it as effectually secured against trespassers as he found it.

(7) A person who intentionally obstructs any person who enters, or is attempting to enter, land by virtue of the power of entry conferred by this Article or by virtue of a warrant issued under this Article shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) Where works have been carried out on land in pursuance of this Article, the Corporation shall reinstate the land as soon as possible.

(9) Where—

- (a) in the exercise of the power conferred by this Article or in executing any warrant under paragraph (4), any damage is caused to land or chattels, any person interested in the land or chattels may recover compensation in respect of that damage from the Corporation;
- (b) in consequence of the exercise of any such power or the executing of any such warrant, any person is disturbed in his enjoyment of land or chattels, he may recover compensation in respect of that disturbance from the Corporation.

(10) Any question of disputed compensation under this Article shall be referred to and determined by the Lands Tribunal.

(11) Any power conferred by this Article to survey land shall be construed as including power to ascertain or fix boundaries or to search and bore for the purposes of ascertaining the course of any sewers or drains or of ascertaining the nature of the subsoil and to take and carry away, for the purpose of examination, specimens of the subsoil.

Information as to ownership of land

22.—(1) The Corporation may, for the purpose of enabling it to carry out any of its functions under this Order, by notice in writing require the occupier of any land and any person who, either directly or indirectly, receives rent in respect of any land, to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest therein, whether as freeholder, mortgagee, lessee or otherwise.

(2) Any person required to give information in pursuance of this Article who without reasonable excuse fails to give, or knowingly mis-states, that information shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Disposal of land by Corporation

23.—(1) The Corporation may dispose of any land acquired by it or vested in it to such persons, in such manner and subject to such covenants or conditions as it considers expedient for securing the regeneration of the designated area or for purposes connected with the regeneration of that area.

(2) The Corporation shall dispose of any land acquired by it so as to secure (so far as practicable) that persons who were living or carrying on business or other activities on that land shall, if they desire to obtain accommodation on land belonging to the Corporation and are willing to comply with any requirements of the Corporation as to its development and use, have an opportunity to obtain on it accommodation suitable to their reasonable requirements on terms settled with due regard to the price at which any such land has been acquired from them.