

2003 No. 410 (N.I. 1)

NORTHERN IRELAND

**The Strategic Investment and Regeneration of Sites
(Northern Ireland) Order 2003**

Made - - - - - 27th February 2003

Coming into operation 7th March 2003

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At the Court at Buckingham Palace, the 27th day of February 2003

Present,

The Queen's Most Excellent Majesty in Council

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

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) 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: –

PART I
INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Strategic Investment and Regeneration of Sites (Northern Ireland) Order 2003.

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

PART I

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c.33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order –

“the designated company” has the meaning given by Article 5(6);

“the Executive” means the Executive Committee of the Assembly;

“the Office” means the Office of the First Minister and deputy First Minister;

“public body” means –

(a) a Northern Ireland department;

(b) a district council; and

(c) any other body which is –

(i) established or constituted by or under a statutory provision or Royal Charter; and

(ii) funded wholly or mainly out of money appropriated by Act of the Assembly;

“relevant site” has the meaning given by Article 9(1) (read with Article 12(3));

“statutory body” means –

(a) a Northern Ireland department; and

(b) any other body which is –

(i) established or constituted by or under a statutory provision; and

(ii) funded wholly or mainly out of money appropriated by Act of the Assembly;

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33).

(3) References in this Order to the site of a development corporation shall be construed in accordance with Articles 15(7) and 20(5).

(4) Any power of giving directions conferred by any provision of this Order includes power to vary or revoke any direction given under that provision.

(5) At any time when section 1 of the Northern Ireland Act 2000 (c. 1) (suspension of devolved government) is in force, references in Part II to the Executive shall be construed as references to the Secretary of State.

PART II

EXERCISE BY DESIGNATED COMPANY OF STRATEGIC INVESTMENT FUNCTIONS

Strategic investment functions

3.—(1) The purpose of this Part is to make provision for, and in connection with, the exercise by a designated company of strategic investment functions in relation to –

(a) the Executive; and

(b) bodies carrying out major investment projects.

(2) In relation to the Executive, “strategic investment functions” means advising the Executive in relation to the formulation and implementation of its programme of major investment projects.

(3) In relation to bodies carrying out major investment projects, “strategic investment functions” means –

- (a) advising those bodies in relation to the carrying out of such projects;
- (b) assisting those bodies in relation to the carrying out of such projects, including providing research, consultancy, advisory and other services and general assistance; and
- (c) participating, by agreement with those bodies, in the carrying out of such projects.

(4) In particular strategic investment functions (in relation to the Executive and bodies carrying out major investment projects) include advising on –

- (a) the planning and prioritisation of programmes and projects;
- (b) the funding of projects, including borrowings for that purpose; and
- (c) the general implementation of projects (including, in the case of projects of statutory bodies, arrangements for procuring implementation wholly or partly by persons other than statutory bodies).

(5) References in this Part to “major investment projects” are to projects which –

- (a) are of major strategic importance to Northern Ireland (or a part thereof); and
- (b) involve substantial investment (whether or not provided out of public money).

Power of Office to arrange for formation of a company

4. For the purpose of this Part the Office may arrange for the formation of a company.

Designation of company to exercise strategic investment functions

5.—(1) The Office may by order designate a company for the purposes of this Part.

(2) A company shall not be designated under paragraph (1) unless it fulfils the following conditions, namely –

- (a) it is formed by virtue of Article 4;
- (b) it is formed and registered under the Companies (Northern Ireland) Order 1986 (NI 6);
- (c) it is a private company limited by guarantee (and not having a share capital) within the meaning of that Order;
- (d) its objects are such as to enable it to exercise strategic investment functions; and
- (e) the composition of its board of directors is controlled by the Office.

(3) Article 4(2) and (3) of the Companies (Northern Ireland) Order 1986 shall apply with appropriate modifications in relation to the determination of the matter mentioned in paragraph (2)(e).

(4) The Office –

- (a) may at any time revoke an order under paragraph (1);
- (b) shall revoke such an order if the designated company ceases to fulfil any of the conditions mentioned in paragraph (2).

(5) No order may be made under this Article unless a draft of the order has been laid before and approved by resolution of the Assembly.

(6) Only one company may be designated under paragraph (1) at any time; and references in this Part to the designated company are to the company for the time being designated under that paragraph.

(7) In Schedule 2 to the Commissioner for Complaints (Northern Ireland) Order 1996 (N.I. 7) (bodies subject to investigation) there shall be inserted, at the appropriate place –

“The company for the time being designated under Article 5 of the Strategic Investment and Regeneration of Sites (Northern Ireland) Order 2003.”.

Funding of designated company

6.—(1) The Office may make payments to the designated company out of money appropriated for the purpose.

(2) Payments under this Article shall be made on such terms and conditions as the Office may with the approval of the Department of Finance and Personnel determine.

PART II

Exercise of strategic investment functions by designated company

7. The arrangements in connection with the exercise by the designated company of strategic investment functions in relation to the Executive and statutory bodies shall be such as are approved by the Executive; and such arrangements may in particular make provision for the exercise of those functions in relation to statutory bodies –

- (a) for the purposes of such particular projects as are identified in accordance with the arrangements; and
- (b) in accordance with such further arrangements as are agreed in writing between the statutory body concerned and the designated company.

Duty on statutory bodies in relation to designated company

8.—(1) It is the duty of every statutory body in the exercise of its functions –

- (a) to facilitate the exercise by the designated company of strategic investment functions; and
- (b) to co-operate with the designated company in the exercise of strategic investment functions,

to such extent as arrangements for the time being approved or made under Article 7 may require.

(2) It is the duty of every statutory body to have regard to any advice given to it by the designated company in accordance with arrangements approved or made under Article 7.

(3) Paragraph (2) applies whether the advice is given by the designated company –

- (a) in relation to projects generally, in relation to projects of a specified class or description or in relation to any particular project or projects; or
- (b) to the body individually, to all statutory bodies generally or to a specified class or description of body to which the body belongs.

PART III

REGENERATION OF SITES

The relevant sites

The relevant sites

9.—(1) In this Part references to a relevant site are references to an area of land which –

- (a) on 2nd May 2002 was held by or on behalf of the Crown in right of Her Majesty's Government in the United Kingdom; and
- (b) is made available to the Executive in pursuance of arrangements (known as “the reinvestment and reform initiative”) made between that Government and the Executive and announced on that date.

(2) Subject to the following provisions of this Part, the Office shall have power –

- (a) to hold and manage a relevant site; and
- (b) generally to implement the arrangements mentioned in paragraph (1)(b) so far as relating to relevant sites.

(3) A certificate signed by the First Minister and deputy First Minister that an area of land is a relevant site is conclusive evidence of that fact for the purposes of this Part.

Functions of the Office in relation to relevant sites

Disposal of relevant sites by the Office

10.—(1) The Office may, with the approval of the Department of Finance and Personnel, dispose of any land forming all or part of a relevant site and vested in the Office.

(2) A disposal under this Article –

- (a) may be for value or otherwise; and
- (b) shall be on such terms and conditions as the Office may think fit.

(3) In particular on any such disposal the Office may –

- (a) impose such restrictions as the Office may think necessary on the use of the land disposed of; and
- (b) grant or reserve such rights over the land as the Office may think fit.

(4) Nothing in section 5 of the Stormont Regulation and Government Property Act (Northern Ireland) 1933 (c. 6) affects the disposal by the Office of land forming all or part of a relevant site.

Regeneration of relevant sites by the Office

11.—(1) For the purpose of securing the regeneration of a relevant site, the Office may –

- (a) carry out the development or redevelopment of land, including the conversion or demolition of existing buildings;
- (b) carry out building and other operations;
- (c) provide services and facilities;
- (d) form, or acquire interests in, bodies corporate;
- (e) act with other persons, whether in partnership or otherwise;
- (f) give financial assistance to other bodies or persons in accordance with paragraphs (2) to (5);
- (g) carry out studies, investigations and research;
- (h) generally do anything necessary or expedient for that purpose.

(2) The Office may, with the approval of the Department of Finance and Personnel, provide financial assistance for any body or person doing or intending to do on or in relation to a relevant site anything falling within paragraph (3).

(3) Financial assistance under paragraph (2) 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, cultural, recreational or community facilities;
- (e) the refurbishment or restructuring of buildings;
- (f) anything not falling within sub-paragraphs (a) to (e) which the Office considers will benefit the site.

(4) Financial assistance under paragraph (2) may include –

- (a) grants;
- (b) loans;
- (c) guarantees;
- (d) the taking of any interest in property or in a body corporate.

(5) In providing financial assistance under paragraph (2), the Office may impose such conditions as it thinks fit, including conditions for repayment in specified circumstances.

Acquisition of land by the Office

12.—(1) The Office may acquire by agreement or compulsorily land which –

- (a) is adjacent to a relevant site and is required by the Office for purposes connected with the discharge of its functions in relation to the site; or
- (b) is required to provide or improve access to a relevant site.

(2) Parts I and III of Schedule 2 shall have effect in relation to –

- (a) the compulsory acquisition of land under paragraph (1); and

(b) powers of entry in connection with the acquisition of land under that paragraph.

PART III

(3) Where land is acquired by the Office under paragraph (1) in connection with a relevant site, that land shall for the purposes of this Part be taken to form part of the relevant site.

Agreements and consultation with other bodies and persons

13.—(1) The Office may –

- (a) enter into an agreement with any person for the development of any land forming all or part of a relevant site, and
- (b) do anything which is required in order to secure the development of that land in accordance with such agreement.

(2) The Office shall consult –

- (a) the district council for the district in which a relevant site is situated;
- (b) such other public bodies as the Office thinks appropriate; and
- (c) such other bodies or persons as appear to the Office to have an interest in the site,

about the exercise of the Office’s functions under Article 11 in relation to the site.

Powers of Office not exercisable where development corporation established

14. Articles 10 to 13 do not apply in relation to any relevant site for which a development corporation is for the time being established under Article 15.

Regeneration of relevant sites by development corporations

Power to establish development corporations for relevant sites

15.—(1) The Office may by order establish a body (to be known as a “development corporation”) for a relevant site or for two or more such sites.

(2) A development corporation shall be a body corporate by such name as is specified in the order establishing it.

(3) Schedule 1 shall have effect in relation to a development corporation.

(4) The Office may by order provide for a development corporation for the time being established for any relevant site or sites to exercise its functions in relation to any additional relevant site or sites specified in the order.

(5) The Office may by order subject to negative resolution provide for a development corporation for the time being established for two or more relevant sites to cease to exercise its functions in relation to a relevant site or sites specified in the order.

(6) No order shall be made under paragraph (1) or (4) in relation to a relevant site unless –
(a) a draft of the order has been laid before, and approved by resolution of, the Assembly;
and

(b) the site is vested in the Office.

(7) If a development corporation is for the time being established for two or more relevant sites, references in this Part to the site of a development corporation shall be read as references to both or all of those sites.

Object and general powers of development corporations

16.—(1) The object of a development corporation is to secure the regeneration of its site.

(2) That object is to be achieved in particular by the following means (or by such of them as seem to the corporation to be appropriate) –

- (a) by bringing land and buildings into effective use;
- (b) by encouraging public and private investment and the development of industry and commerce;
- (c) by creating an attractive environment;

(d) by ensuring that social, recreational, cultural and community facilities are available.

(3) Subject to the following provisions of this Part, for the purpose of achieving its object a development corporation may –

- (a) hold, manage and dispose of land and other property;
- (b) carry out the development or redevelopment of land, including the conversion or demolition of existing buildings;
- (c) carry out building and other operations;
- (d) provide services and facilities;
- (e) act with other persons, whether in partnership or otherwise;
- (f) give financial assistance to other bodies or persons in accordance with Article 18;
- (g) carry on any business or undertaking;
- (h) carry out studies, investigations and research;
- (i) generally do anything necessary or expedient for the purposes of its object or for purposes incidental to those purposes.

(4) Paragraph (3) relates only to the capacity of a development corporation as a statutory corporation and nothing in this Article authorises a development corporation to disregard a statutory provision or rule of law.

(5) A transaction between a person and a development corporation is not invalidated by reason of any failure of the corporation to observe –

- (a) the object in paragraph (1); or
- (b) the requirement in paragraph (3) that the corporation shall exercise the powers conferred by that paragraph for the purpose of achieving that object.

Special provision concerning powers of development corporation

17. An order under Article 15(1) may provide –

- (a) that any powers which may be exercisable by a development corporation under this Part and which are specified in the order –
 - (i) are not to be exercisable by the corporation established by the order; or
 - (ii) are not to be so exercisable without the consent of the Office or the Department of Finance and Personnel, or both;
- (b) that such powers as are specified in the order are to be exercisable by the corporation established by the order in addition to those otherwise so exercisable;

and this Part shall apply in relation to the corporation accordingly.

Financial assistance by development corporation

18.—(1) A development corporation may provide financial assistance for any body or person doing or intending to do on or in relation to the site 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, cultural, recreational or community facilities;
- (e) the refurbishment or restructuring of buildings;
- (f) anything not falling within sub-paragraphs (a) to (e) which the corporation considers will benefit its site.

(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.

(4) In providing financial assistance under paragraph (1), the corporation may impose such conditions as it thinks fit, including conditions for repayment in specified circumstances.

Directions to development corporation by the Office

19.—(1) The Office may give directions of a general or specific nature to a development corporation as to the manner in which it is to discharge its functions under this Part.

(2) A development corporation shall act in accordance with any direction given to it under paragraph (1).

(3) Before giving a direction under paragraph (1) to a development corporation the Office shall consult the corporation, unless the Office is satisfied that because of urgency consultation is impracticable.

(4) A transaction between a person and a development corporation acting in purported exercise of its powers under this Part shall not be void by reason only that it was carried out in contravention of a direction given under paragraph (1), and such a person shall not be concerned to see or enquire whether a direction under that paragraph has been given or complied with.

Land: transfer to, and acquisition of land by, development corporation

20.—(1) The Office may by order transfer to a development corporation any land forming all or part of the corporation's site which is vested in the Office.

- (2) A development corporation may acquire by agreement or compulsorily land which –
 - (a) is adjacent to its site and is required by the corporation for purposes connected with the discharge of the corporation's functions in relation to its site; or
 - (b) is required to provide or improve access to the site.

- (3) Parts II and III of Schedule 2 shall have effect in relation to –
 - (a) the compulsory acquisition of land under paragraph (2); and
 - (b) powers of entry in connection with the acquisition of land under that paragraph.

(4) A development corporation may, with the approval of the Office, 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 (c. 37) shall apply to an order under this paragraph as they apply to an order under subsection (1) of that section, but with the substitution –

- (a) for references to the Holding Company of references to the development corporation; and
- (b) for references to the Department of references to the Office.

(5) Where land is acquired by a development corporation under paragraph (2), references in this Part to the site of the corporation shall be taken to include the land so acquired.

Land: disposal or transfer of land held by development corporation

21.—(1) A development corporation may dispose of any land for the time being held by it to such person or body and in such manner as it considers expedient for securing the regeneration of the corporation's site or for purposes connected with the regeneration of that site.

- (2) A disposal under paragraph (1) –
 - (a) may be for value or otherwise;
 - (b) shall be on such terms and conditions as the corporation may think fit.
- (3) In particular on any such disposal the corporation may –
 - (a) impose such restrictions as the corporation may think necessary on the use of the land disposed of; and
 - (b) grant or reserve such rights over the land as the corporation may think fit.

(4) The Office may by order vest any land for the time being held by a development corporation in any public body (including the Office itself).

Agreements and arrangements with other bodies and persons

22.—(1) A development corporation may –

- (a) enter into an agreement with any person for the development of any land forming all or part of its site, and
- (b) do anything which is required in order to secure the development of that land in accordance with such agreement.

(2) Where under any statutory provision powers are conferred on a public body to do anything (of whatever kind and for whatever purpose) –

- (a) that body and the corporation may enter into an agreement that those powers shall, to such extent and subject to such conditions as the agreement may specify, be exercised on or in relation to its site by the corporation on behalf of that public body;
- (b) the corporation shall have power to carry any such agreement into effect; and
- (c) for that purpose references to the public body in any such statutory provision shall be construed as including references to the corporation.

(3) The corporation shall not enter an agreement under paragraph (2) with a public body other than a Northern Ireland department except with the approval of the Office.

(4) A public body may enter into an agreement with a development corporation that any powers of the corporation under this Part shall, to such extent and subject to such conditions as the agreement may specify, be exercised by the public body on behalf of the corporation and the public body shall have power to carry any such agreement into effect.

(5) The provisions of this Part shall, with any necessary modifications, apply to the exercise of powers under this Part by a public body in pursuance of an agreement under paragraph (4) as they would have applied to their exercise by the development corporation.

Exercise of other statutory powers in relation to site of development corporation

23.—(1) The Office may by order provide –

- (a) that prescribed functions of any public body shall not be exercisable on, or in relation to, the site of a development corporation; or
- (b) that prescribed functions of a public body shall not be so exercisable except with the consent of the corporation or in accordance with an agreement under Article 22.

(2) No order shall be made under this Article unless a draft of the order has been laid before, and approved by resolution of, the Assembly.

(3) In this Article “prescribed” means prescribed by an order under this Article.

Duty on public bodies to co-operate with and facilitate development corporation

24. It is the duty of a public body in the exercise of its functions –

- (a) to facilitate the exercise by a development corporation of its functions; and
- (b) to co-operate with a development corporation in the exercise of its functions,

to such extent as the corporation may reasonably require.

Consultation

25.—(1) A development corporation shall consult –

- (a) the district council for the district in which its site is situated;
- (b) such other public bodies as the corporation thinks appropriate; and
- (c) such other bodies or persons as appear to the corporation to have an interest in the regeneration of the corporation’s site,

about the exercise of the corporation’s functions in relation to that site.

(2) Where under the Planning (Northern Ireland) Order 1991 (NI 11) the Department of the Environment is required to consult with the relevant district council about any matter relating to or affecting the site of a development corporation, the Department shall also consult with the corporation about that matter.

Power to dissolve a development corporation

26.—(1) The Office may by order make provision for, and in connection with, the dissolution of a development corporation.

(2) An order under this Article may –

- (a) provide for the transfer of the property, rights and liabilities of the corporation (including rights and liabilities under a contract of employment) to any other public body;
- (b) enable any public body to continue and complete anything which has been commenced by the corporation before its dissolution; and
- (c) contain such other provisions as appear to the Office to be necessary or expedient for giving full effect to the order.

(3) No order shall be made under this Article unless a draft of the order has been laid before and approved by resolution of the Assembly.

Orders under this Part

27.—(1) An order under this Part may contain such incidental, consequential, supplementary and transitional provisions as the Office thinks necessary or expedient, including provisions amending or repealing any statutory provision (including this Order).

(2) Paragraph (1) and the Statutory Rules (Northern Ireland) Order 1979 (NI 12) do not apply to orders under Article 20(1) or (4) or 21(4) or paragraph 1 or 3 of Schedule 2 (orders vesting land, etc.).

A. K. Galloway
Clerk of the Privy Council

SCHEDULES

SCHEDULE 1

Article 15

DEVELOPMENT CORPORATIONS

Status

- 1.—(1) A development corporation shall not be regarded –
- (a) as the servant or agent of the Crown; or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The property of a development corporation shall not be regarded as property of, or held on behalf of, the Crown.
- (3) Subject to the following provisions of this Schedule, section 19 of the Interpretation Act (Northern Ireland) 1954 (c.33) applies to a development corporation.

Membership, chairman, etc.

- 2.—(1) A development corporation shall consist of –
- (a) a chairman; and
 - (b) such number of other members as is specified in the order establishing the corporation.
- (2) The chairman and other members shall be appointed by the Office.
- (3) In making appointments under this paragraph, the Office shall –
- (a) secure that each member has experience in a field of activity relevant to the discharge of the functions of the corporation;
 - (b) have regard to the desirability of securing the services of people having specialist knowledge of the locality in which the site is situated; and
 - (c) as far as practicable secure that the members of the corporation (taken together) are representative of the community in Northern Ireland.
- (4) At least one of the members appointed under sub-paragraph (1)(b) shall be appointed after consultation with the district council for the district in which the site of the corporation is situated.
- (5) The Office may appoint one of the members mentioned in sub-paragraph (1)(b) as deputy chairman of the corporation.
- (6) It shall be the duty of the Office –
- (a) to satisfy itself, before it appoints a person to be a member of the corporation, that that person will have no such financial or other interest as is likely to affect prejudicially the performance of his functions as a member; and
 - (b) to satisfy itself from time to time with respect to each member that he has no such interest;
- and a person who is a member or whom the Office proposes to appoint as a member shall, whenever requested by it to do so, give the Office such information as it may specify with a view to carrying out its duty under this sub-paragraph.

Tenure of office

- 3.—(1) Subject to the provisions of this Schedule, a member shall hold and vacate office in accordance with the terms of his appointment.
- (2) A person shall not be appointed as a member for more than five years at a time.
- (3) A person may at any time resign his office as a member by notice in writing to the Office.
- (4) A person appointed as chairman or deputy chairman of the corporation –
- (a) shall hold and vacate that office in accordance with the terms of his appointment;
 - (b) may resign that office by notice in writing to the Office; and
 - (c) shall cease to hold that office if he ceases to be a member.
- (5) The Office may by notice in writing remove a person from office as a member or as chairman or deputy chairman of the corporation.
- (6) A person who ceases (otherwise than by virtue of sub-paragraph (5)) to be a member or to be the chairman or deputy chairman of the corporation shall be eligible for re-appointment.

4.—(1) A development corporation shall pay to its members such remuneration and allowances as the Office may determine.

(2) If –

- (a) a person ceases to be a member or ceases to be the chairman or deputy chairman of the corporation; and
- (b) it appears to the Office that there are special circumstances which make it right that he should receive compensation,

the Office may direct the corporation to make a payment of such amount as the Office may determine.

(3) A determination of the Office under this paragraph requires the approval of the Department of Finance and Personnel.

Staff, etc.

5.—(1) A development corporation shall have –

- (a) a chief executive, with responsibility to the corporation for the carrying out of its functions and the management of its employees; and
- (b) such other employees as the corporation may appoint.

(2) The first chief executive of a corporation shall be appointed by the Office.

(3) Every subsequent chief executive shall be appointed by the corporation with the approval of the Office.

6.—(1) A development corporation may make arrangements with a Northern Ireland department for persons employed in the Northern Ireland civil service to be seconded to the corporation.

(2) Arrangements made with a department other than the Department of Finance and Personnel require the approval of that Department.

7.—(1) A development corporation shall pay to its employees such remuneration and allowances as it may determine.

(2) A development corporation shall –

- (a) pay, or make payments in respect of, such pensions or gratuities to or in respect of its employees or former employees as it may determine; and
- (b) provide and maintain such schemes (whether contributory or not) as it may determine for the payment of pensions or gratuities to or in respect of its employees or former employees.

(3) A determination of a development corporation under this paragraph requires the approval of the Office and the Department of Finance and Personnel.

(4) References in this paragraph to pensions and gratuities include references to pensions or gratuities by way of compensation to or in respect of employees who suffer loss of employment or loss or diminution of emoluments.

Committees

8.—(1) A development corporation may establish committees.

(2) A person who is not a member of the corporation shall not, except with the approval of the Office, be appointed to a committee of the corporation.

(3) A development corporation may pay to members of its committees who are neither members nor employees of the corporation such remuneration and allowances as the corporation may, with the approval of the Office, determine.

Delegation to committees and staff

9.—(1) A development corporation may, to such extent as it may determine, delegate any of its functions to –

- (a) any committee of the corporation;
- (b) any employee of the corporation; or
- (c) any person seconded to the corporation in accordance with arrangements made under paragraph 6.

SCH. 1

(2) Any committee of a development corporation may, to such extent as the committee may determine, delegate any functions of the committee to –

- (a) any employee of the corporation; or
- (b) any person seconded to the corporation in accordance with arrangements made under paragraph 6.

Proceedings

10.—(1) Subject to the following provisions of this paragraph and paragraph 11, a development corporation may regulate –

- (a) its own procedure (including quorum); and
- (b) the procedure (including quorum) of its committees.

(2) A development corporation shall make provision for a quorum for meetings of its committees to include at least one member or employee of the corporation.

11.—(1) A member who is in any way, directly or indirectly, interested in any matter which falls to be considered by a development corporation shall disclose the nature of his interest at a meeting of the corporation and the disclosure shall be recorded in the minutes of the meeting.

(2) Where such a disclosure is made by any member in relation to any matter, he shall not take part in any deliberation or decision of the corporation with respect to the matter, if the corporation decides that the interest in question might prejudicially affect the member's consideration of the matter.

(3) For the purposes of this paragraph a notice given by a member at a meeting of the corporation to the effect that he is a member of a specified body corporate or firm and is to be regarded as interested in any matter concerning the body or firm which falls to be considered by the corporation after the date of the notice shall be a sufficient disclosure of his interest.

(4) A member need not attend in person at a meeting of the corporation in order to make a disclosure which he is required to make under this paragraph, if he takes reasonable steps to secure that the disclosure is made by a notice which is taken into consideration at such a meeting.

(5) Sub-paragraphs (1) to (4) apply in relation to committees of the corporation as they apply in relation to the corporation.

12. The validity of any proceedings of a development corporation, or of any of its committees, shall not be affected by –

- (a) any vacancy among the members of the corporation or of members of the committee;
- (b) any vacancy in the office of the chairman or deputy chairman of the corporation;
- (c) any defect in the appointment of any one or more members or of the chairman or deputy chairman of the corporation; or
- (d) any failure to comply with paragraph 11.

Application of seal and evidence

13. The application of the seal of a development corporation shall be authenticated by the signature –

- (a) of any member; or
- (b) of any other person who has been authorised by the corporation (whether generally or specially) for that purpose.

14. A document purporting to be –

- (a) duly executed by a development corporation under its seal; or
- (b) signed on its behalf,

shall be received in evidence and shall, unless the contrary is proved, be taken to be so executed or signed.

15. Any contract or instrument which if entered into or executed by an individual would not require to be under seal may be entered into or executed on behalf of a development corporation by any person generally or specially authorised by the corporation for that purpose.

Finance

16.—(1) The Office may make payments to a development corporation out of money appropriated for the purpose.

(2) Payments under this paragraph shall be made on such terms and conditions as the Office may, with the approval of the Department of Finance and Personnel, determine.

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17.—(1) A development corporation shall –

- (a) keep proper accounts and proper records in relation to the accounts; and
- (b) prepare a statement of accounts in respect of each financial year.

(2) The statement of accounts shall –

- (a) be in such form; and
- (b) contain such information,

as the Office may, with the approval of the Department of Finance and Personnel, direct.

(3) A development corporation shall, within such period after the end of each financial year as the Office may direct, send copies of the statement of accounts relating to that year to –

- (a) the Office; and
- (b) the Comptroller and Auditor General for Northern Ireland.

(4) The Comptroller and Auditor General shall –

- (a) examine, certify and report on every statement of accounts sent to him by a corporation under this paragraph; and
- (b) send a copy of his report to the Office.

(5) The Office shall lay a copy of the statement of accounts and of the Comptroller and Auditor General's report before the Assembly.

18.—(1) After consultation with a development corporation, the Office may, with the approval of the Department of Finance and Personnel, determine the financial duties of the corporation.

(2) The Office shall give the corporation notice of every determination and a determination may –

- (a) relate to a period beginning before the date on which it is made;
- (b) contain incidental or supplementary provisions; and
- (c) be varied by a subsequent determination.

(3) The Office, with the approval of the Department of Finance and Personnel, may direct a development corporation to pay to the Office out of any money which appears to the Office to be surplus to the requirements of the corporation such sums as the Office may determine.

(4) The corporation shall comply with any such direction.

(5) Any sums received by the Office under this paragraph shall be paid into the Consolidated Fund.

Annual report

19.—(1) As soon as practicable after the end of each financial year, a development corporation shall send to the Office a report on the carrying out of its functions during that year.

(2) The Office shall lay a copy of the report before the Assembly.

Information

20. A development corporation shall –

- (a) provide the Office with such information relating to its activities as the Office may require; and
- (b) permit any person authorised by the Office to inspect and make copies of the accounts, books or other papers of the corporation and give that person such explanation of them as he may reasonably require.

The Commissioner for Complaints (Northern Ireland) Order 1996 (NI. 7)

21. In Schedule 2 to the Commissioner for Complaints (Northern Ireland) Order 1996 (bodies subject to investigation) there shall be inserted, at the appropriate place –

“A development corporation established under Part III of the Strategic Investment and Regeneration of Sites (Northern Ireland) Order 2003”.

22. In Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies whose members are disqualified) there shall be inserted, at the appropriate place –

“A development corporation established under Part III of the Strategic Investment and Regeneration of Sites (Northern Ireland) Order 2003”.

The Freedom of Information Act 2000 (c. 36)

23. In Part VII of Schedule 1 to the Freedom of Information Act 2000 (bodies, etc. which are public authorities for the purposes of the Act) there shall be inserted, at the appropriate place –

“A development corporation established under Part III of the Strategic Investment and Regeneration of Sites (Northern Ireland) Order 2003”.

Interpretation: “financial year” and “member”

24.—(1) If the period beginning with the day on which a development corporation is established and ending with the next 31st March is 6 months or more, the first financial year of the corporation is that period.

(2) Otherwise the first financial year of the corporation is the period beginning with the day on which the corporation is established and ending with the second following 31st March.

(3) In this Schedule “member” means a member of a development corporation.

SCHEDULE 2

Articles 12 and 20

ACQUISITION OF LAND

PART I

ACQUISITION BY THE OFFICE

Compulsory acquisition: vesting orders

1.—(1) Where the Office proposes to acquire land compulsorily it may make an order (a “vesting order”) vesting the land in the Office.

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

(3) The Planning Blight (Compensation) (Northern Ireland) Order 1981 (NI 16) shall apply to land which the Office has resolved to acquire under this paragraph as it applies to land specified in Article 3(1) of that Order.

Compulsory acquisition: procedure, etc.

2.—(1) Schedule 6 to the Local Government Act (Northern Ireland) 1972 (c.9) shall apply for the purposes of the acquisition of land by means of a vesting order made under paragraph 1 in the same manner as it applies to the acquisition of land by means of a vesting order made under that Act, subject to the following modifications –

- (a) for any reference to the Department or the council there shall be substituted a reference to the Office;
- (b) for any reference to that Act there shall be substituted a reference to this Order;
- (c) paragraph 1 shall be omitted;
- (d) in paragraph 2 –
 - (i) for the words “Notice of the application” there shall be substituted “Notice of the Office’s intention to acquire the land compulsorily”;
 - (ii) the words “in such form and manner as the Ministry directs” shall be omitted;
 - (iii) in sub-paragraph (c) for the words “as may be prescribed” there shall be substituted “as the Department considers fit”;

- (e) in paragraph 3(1)(b) after the word “held” there shall be inserted the words “by the planning appeals commission or by any other person”;
- (f) in paragraph 4 the words from “and may provide” onwards shall be omitted;
- (g) in paragraph 5 –
 - (i) in sub-paragraph (1)(a) the words “in the prescribed form and manner” shall be omitted;
 - (ii) in sub-paragraph (1)(d) the words “in the prescribed form” shall be omitted;
 - (iii) in sub-paragraph (2) for the words “as may be prescribed” there shall be substituted “as the Office thinks fit”;
- (h) in paragraph 6(2) for the words from “fund out of which the expenses of the council in acquiring the land are to be defrayed” there shall be substituted “Consolidated Fund” and for the words “out of the compensation fund” there shall be substituted “made by the Office”;
- (i) in paragraph 11(3) the words “in the prescribed form” shall be omitted;
- (j) in paragraph 12 –
 - (i) in sub-paragraph (1) the words “such” and “as may be prescribed” shall be omitted;
 - (ii) in sub-paragraph (2) for the words from “clerk” to “directs” substitute “Department as correct, and publish”;
- (k) in paragraph 14(1) the words “in the prescribed form” shall be omitted;
- (l) in paragraph 15(1) for the words “in the prescribed form” there shall be substituted “in such form as may be approved by the Department”;
- (m) paragraphs 19 and 20(2) shall be omitted.

PART II

ACQUISITION BY A DEVELOPMENT CORPORATION

Compulsory acquisition: vesting orders

3.—(1) Where a development corporation proposes to acquire land compulsorily it may apply to the Office for an order (a “vesting order”) vesting the land in the corporation and the Office shall have power to make a vesting order.

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

(3) The Planning Blight (Compensation) (Northern Ireland) Order 1981 (NI 16) shall apply to land which a corporation has resolved to acquire under this paragraph as it applies to land specified in Article 3(1) of that Order.

Compulsory acquisition: procedure, etc.

4.—(1) Schedule 6 to the Local Government Act (Northern Ireland) 1972 (c.9) shall apply for the purposes of the acquisition of land by means of a vesting order made under paragraph 3 in the same manner as it applies to the acquisition of land by means of a vesting order made under that Act, subject to the following modifications –

- (a) for any reference to the council there shall be substituted a reference to the development corporation;
- (b) for any reference to the Department concerned there shall be substituted a reference to the Office;
- (c) for any reference to that Act there shall be substituted a reference to this Order;
- (d) in paragraph 6(2) for the words from “the fund” onwards there shall be substituted “funds of the development corporation (in this Schedule referred to as “the compensation fund”), and shall be discharged by payments made by that corporation”; and
- (e) in paragraph 12(2) for “the clerk of the council” there shall be substituted “such person as may be designated for the purposes of this Schedule by the development corporation”; and
- (f) paragraphs 19 and 20(2) shall be omitted.

ACQUISITION OF LAND: GENERAL PROVISIONS

Compulsory acquisition: land belonging to statutory bodies and inalienable land

5. The power to make a vesting order under this Schedule in respect of land –
- (a) which is the property of any statutory body which has power under any statutory provision to acquire land compulsorily; or
 - (b) which is declared by or under any statutory provision to be inalienable,

shall not, where representations objecting to the proposal for making the order have been duly made by the owner of the land and have not been withdrawn, be exercised in relation to that land unless the proposal for making the order has been approved by a resolution of the Assembly.

Compulsory acquisition: land of industrial undertakings

6.—(1) Nothing in this Schedule shall authorise the acquisition of any land of an industrial undertaking to which this paragraph applies which is in use for the purposes of that undertaking.

(2) This paragraph applies to an undertaking which provides employment which is substantial having regard to the extent of the land used for its purposes and the nature of the undertaking.

Compulsory acquisition: land containing historic monuments or archaeological object

7.—(1) Nothing in this Schedule shall authorise the acquisition, without the consent of the Department of the Environment, of any land on or in which there is, to the knowledge of the Office, any historic monument or archaeological object.

(2) In this paragraph “historic monument” and “archaeological object” have the same meanings as in the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995 (NI 9).

Acquisition of land: powers of entry

8.—(1) Subject to this paragraph, a person authorised in writing by the Office may, on production if required of his authority, at any reasonable time enter any land –

- (a) for the purpose of surveying or examining the land in order to ascertain whether it ought to be acquired by the Office under Article 12; or
- (b) in connection with any claim for compensation in respect of any such acquisition.

(2) Subject to this paragraph, a person authorised in writing by a development corporation may, on production if required of his authority, at any reasonable time enter any land –

- (a) for the purpose of surveying or examining the land in order to ascertain whether it ought to be acquired by the corporation under Article 20; or
- (b) in connection with any claim for compensation in respect of any such acquisition.

(3) No person shall be entitled to exercise a power of entry conferred by this paragraph in relation to any land unless he has given at least 24 hours’ notice of the intended entry to the occupier of the land or such lesser period of notice as may be agreed between him and the occupier.

(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 paragraph, 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 paragraph 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 paragraph or by virtue of a warrant issued under this paragraph –

- (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 paragraph or by virtue of a warrant issued under this paragraph shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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(8) Where in the exercise of the power conferred by this paragraph or in executing any warrant under this paragraph, 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 Office or (as the case may be) the development corporation.

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

(10) Any power conferred by this paragraph 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.

EXPLANATORY NOTE

(This note is not part of the Order.)

Part II of this Order makes provision for and in connection with the exercise by a designated company of strategic investment functions in relation to the Executive Committee of the Northern Ireland Assembly and statutory bodies.

Part III makes provision for certain sites made available under the reinvestment and reform initiative, including provision for their regeneration.

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