

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.

Status: This is the original version (as it was originally made).

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.

Remuneration, etc. of members

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.
- (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.

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(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.

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.

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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”.

The Northern Ireland Assembly Disqualification Act 1975 (c. 25)

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.