



## 2013 CHAPTER 5

### *Miscellaneous*

#### **Duration of BID arrangements etc.**

**16.—**(1) BID arrangements are to have effect for such period (not exceeding 5 years) as may be specified in the arrangements.

(2) BID arrangements may be renewed for one or more periods each of which must not exceed 5 years, but only if the renewal of the arrangements on that or each occasion is approved by a ballot.

(3) The renewal of BID arrangements is not to be regarded as approved by a ballot held for the purposes of subsection (2) unless the conditions which applied to the approval of the BID proposals (by virtue of section 7 and, where relevant, section 8) are satisfied in relation to the renewal of the arrangements.

(4) The Department may by regulations make provision—

- (a) as to the alteration of BID arrangements, and
- (b) as to the termination of BID arrangements.

(5) The provision which may be made by virtue of subsection (4)(a) or (b) includes provision preventing or restricting the alteration or early termination of BID arrangements.

(6) Nothing in subsection (5) is to be taken as limiting the power conferred by subsection (4).

#### **Regulations about ballots**

**17.—**(1) The Department may by regulations make provision in relation to ballots.

(2) The provision which may be made by regulations under subsection (1) includes provision—

- (a) as to the timing of ballots,
- (b) as to the eligible ratepayers entitled to vote in a ballot,
- (c) as to the question or questions to be asked in a ballot,
- (d) as to the allocation of votes to those eligible ratepayers entitled to vote in a ballot,
- (e) as to the form that ballots may take,
- (f) as to the persons who are to hold ballots,
- (g) as to the conduct of ballots,
- (h) conferring power on the Department to declare ballots void in cases of material irregularity,
- (i) for or in connection with enabling a district council to recover the costs of a ballot from such persons and in such circumstances as may be prescribed.

(3) Nothing in subsection (2) is to be taken as limiting the power conferred by subsection (1).

(4) In this section “ballot” means a ballot held for the purposes of section 5(1) or 16(2).

#### **Power to make further provision**

**18.—**(1) The Department may by regulations make such supplementary, incidental, consequential or transitional provision as it considers necessary or expedient for the purposes of, in consequence of, or for giving full effect to, any provision made by or under this Act.

(2) The provision which may be made under subsection (1) includes provision which amends any statutory provision.

#### **Further provision as to regulations**

**19.—**(1) Subject to subsection (2), regulations made under this Act are subject to negative resolution.

(2) Regulations to which this subsection applies may not be made unless a draft of the regulations has been laid before and approved by a resolution of the Assembly.

(3) Subsection (2) applies to regulations which include provision under—

- (a) section 5(2)(f)(iii);
- (b) section 6(3);
- (c) section 9(3);
- (d) section 17(2)(b);

- (e) section 2(1) where that provision modifies any provision made by or under this Act; and
- (f) section 18(1) where that provision amends any statutory provision.

**Crown application**

**20.** This Act binds the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland.

**Interpretation**

**21.—(1)** In this Act—

- “BID arrangements” has the meaning given by section 1;
- “BID levy” has the meaning given by section 1;
- “BID proposals” has the meaning given by section 5;
- “business improvement district” has the meaning given by section 1;
- “the Department” means the Department for Social Development;
- “eligible ratepayer” has the meaning given by section 6;
- “hereditament” has the same meaning as in the Rates Order;
- “prescribed” means prescribed by regulations made by the Department;
- “the Rates Order” means the Rates (Northern Ireland) Order 1977; and
- “statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

(2) Any reference to “BID proposals” in this Act includes proposals in relation to the renewal or alteration of BID arrangements under section 16 or by virtue of regulations made under that section.

(3) Any reference to “BID arrangements” in this Act includes BID arrangements as renewed or altered under section 16 or by virtue of regulations made under that section.

**Short title**

**22.** This Act may be cited as the Business Improvement Districts Act (Northern Ireland) 2013.