
STATUTORY INSTRUMENTS

1981 No. 607

The Enterprise Zones (Northern Ireland) Order 1981

PART II N.I.

ENTERPRISE ZONES

Modification of scheme and order

Modifications of scheme N.I.

10.—(1) The Department may prepare modifications to a scheme.

(2) Articles 3(2) and (3)(a), (c) and (d), 4, 5, and 9 shall apply in relation to modifications to a scheme as they apply in relation to a scheme.

(3) The power to modify a scheme under this Article includes power wholly to replace a scheme.

(4) In the following provisions of this Order references to a modified scheme are references to a scheme modified under this Article.

Questioning validity of modifications to a scheme N.I.

11.—(1) If a person is aggrieved by modifications adopted by the Department under Article 4 (as applied by Article 10(2)) and he wishes to question their validity on the ground that they are not within the powers conferred by this Order, or that any requirement of this Order has not been complied with, he may within the period of one month commencing with the first publication (whether in the Belfast Gazette or otherwise) under Article 5(3) (as so applied) make an application under this Article to the High Court.

(2) On such an application the High Court, if satisfied—

(a) that the modifications are wholly or to any extent outside the powers conferred by this Order, or

(b) that the interests of the applicant would be substantially prejudiced by the failure to comply with any requirement of this Order if the modifications took effect,

may order that the Department shall not publish a notice under Article 12 bringing the modifications into effect, but (in a case where sub-paragraph (b) applies) may further order that if steps are taken to comply with the requirement concerned a notice may be published bringing the modifications into effect.

(3) Except as provided by this Article, the validity of modifications adopted under Article 4 (as applied by Article 10 (2)) shall not be questioned in any legal proceedings whatsoever.

Date of modifications taking effect N.I.

12.—(1) Where the Department adopts modifications to a scheme, it shall publish a notice in accordance with paragraphs (2) and (3), stating the date of modifications taking effect (hereinafter referred to as “the effective date of modification”).

- (2) The notice may not be published until—
- (a) the expiry of the period of one month commencing with the first publication (whether in the Belfast Gazette or otherwise) under Article 5 (3) (as applied by Article 10 (2)), or
 - (b) if an application in relation to modifications to the scheme is made under Article 11 (1), the time at which any proceedings arising out of the application are disposed of,

whichever is the later.

- (3) The notice shall be published—
- (a) in the Belfast Gazette; and
 - (b) on at least two occasions, in a newspaper circulating in the enterprise zone.

Modification of order under Article 7 N.I.

13.—(1) The Department, with the consent of the Department of Finance, may by order subject to negative resolution modify any order made under Article 7 by extending the period for which the area is to remain an enterprise zone.

(2) The power to amend orders conferred by section 17(2) of the Interpretation Act (Northern Ireland) 1954 does not include power to amend an order made under this Article.

(3) The power to revoke orders conferred by the said section 17 (2) does not include power to revoke an order made under this Article before the expiry of the extended period.

Changes to legislation:

There are currently no known outstanding effects for the The Enterprise Zones (Northern Ireland) Order 1981, Cross Heading: Modification of scheme and order.