
STATUTORY INSTRUMENTS

1989 No. 490 (N.I. 2)

NORTHERN IRELAND

The Lagside Development(Northern Ireland) Order 1989

Made - - - - *15th March 1989*

Coming into Operation *16th May 1989*

At the Court at Buckingham Palace, the 15th day of March 1988

Present,

The Queen's Most Excellent Majesty in Council

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

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974⁽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 Lagside Development (Northern Ireland) Order 1989.

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

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954⁽²⁾ shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“the Corporation” means the Lagside Corporation established by Article 4;

(1) 1974 c. 28
(2) 1954 c. 33 (N.I.)

“the Department” means the Department of the Environment;

“the designated area” has the meaning assigned to it by Article 3(1);

“the river” means such part of the River Lagan and its tributaries as is situated within the designated area;

“statutory provision” has the meaning assigned to it by section 1 (f) of the Interpretation Act (Northern Ireland) 1954.

The designated area

3.—(1) In this Order “the designated area” means such area of land as the Department may by order designate for the purposes of this Order.

(2) The Department may by order alter the area of land for the time being designated by an order under paragraph (1) or this paragraph.

(3) An order under paragraph (2) may—

- (a) make such amendment of the name of the Corporation as appears to the Department to be appropriate in consequence of any alteration of the designated area made by the order;
- (b) amend any reference to the name of the Corporation in any statutory provision, including this Order.

(4) Where the effect of an order under paragraph (2) is that any area of land ceases to be within the designated area, the order may contain such transitional provisions relating to that land as appear to the Department to be appropriate, including provision for the transfer of the assets and liabilities held or enjoyed by the Corporation on or in relation to that land to any other body or person.

(5) An order under paragraph (1) or (2)—

- (a) shall define the boundaries of the designated area by means of a map or plan; and
- (b) may designate separate parcels of land as one area.

PART II

THE LAGANSIDE CORPORATION

Constitution of the Corporation

The Laganside Corporation

4.—(1) There shall be established a body to be called the Laganside Corporation which shall exercise the functions conferred on it by the following provisions of this Order.

(2) Schedule 1 shall have effect in relation to the Corporation.

Financial provisions

Financial duties of the Corporation

5.—(1) After consultation with the Corporation, the Department may, with the approval of the Department of Finance and Personnel, determine the financial duties of the Corporation.

(2) The Department 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 financial year of the Corporation shall begin on 1st April.

Grants to the Corporation by Department

6.—(1) The Department may, with the approval of the Department of Finance and Personnel, pay to the Corporation in respect of the exercise of its functions and in respect of its administrative expenses, such sums as the Department may, with the approval of the Department of Finance and Personnel, determine.

(2) The payment may be made on such terms as the Department may, with the approval of the Department of Finance and Personnel, determine.

Borrowing by the Corporation

7.—(1) The Corporation may, with the approval of the Department, borrow money.

(2) The Corporation shall be a public body for the purposes of Part III of, and Schedule 1 to, the Financial Provisions (Northern Ireland) Order 1983(3) (government loans).

(3) The aggregate of the amounts of principal outstanding in respect of money borrowed under this Article shall not at any time exceed £10 million or such greater sum as the Department may by order made with the approval of the Department of Finance and Personnel specify.

(4) The Department may, with the approval of the Department of Finance and Personnel, guarantee, in such manner and subject to such conditions as it thinks fit, the repayment of the principal of, and the payment of interest on, any sums borrowed by the Corporation under this Article.

(5) Any sums required by the Department for fulfilling a guarantee under paragraph (4) shall be charged on and issued out of the Consolidated Fund, and for the purpose of providing for such issues the Department of Finance and Personnel may borrow money.

Payment by the Corporation of surplus funds to Department

8.—(1) The Department, with the approval of the Department of Finance and Personnel, may direct the Corporation to pay to the Department out of any money which appears to the Department to be surplus to the requirements of the Corporation such sums as the Department may determine.

(2) The Corporation shall comply with any direction under paragraph (1).

(3) The whole or part of any payment made to the Department under this Article shall, if the Department with the approval of the Department of Finance and Personnel so determines, be treated as made by way of repayment of such part of the principal of government loans made to the Corporation under Part III of the Financial Provisions (Northern Ireland) Order 1983 and as made in respect of the repayments due at such times, as may be so determined.

(4) Any sums received by the Department under this Article shall be paid into the Consolidated Fund.

Power to dissolve the Corporation

Power to dissolve the Corporation

9.—(1) The Department may by order made subject to affirmative resolution make provision for, and in connection with, the dissolution of the Corporation.

- (2) An order under this Article may—
- (a) provide for the transfer of the functions, assets and liabilities of the Corporation to any other body or person;
 - (b) contain such incidental, consequential, transitional or supplementary provisions (including the amendment or repeal of any statutory provision (including this Order)) as appear to the Department to be necessary or expedient for giving full effect to the provisions of the order.

PART III

OBJECT AND POWERS OF THE CORPORATION

Object and general powers of the Corporation

Object and general powers of the Corporation

- 10.**—(1) The object of the Corporation shall be to secure the regeneration of the designated area.
- (2) The object is to be achieved in particular by the following means—
- (a) by bringing land and buildings into effective use;
 - (b) by encouraging public and private investment and the development of existing and new industry and commerce;
 - (c) by creating an attractive environment; and
 - (d) by ensuring that housing, social, recreational and cultural facilities are available to encourage people to live and work in the area.
- (3) Subject to Article 11, for the purpose of achieving the object the Corporation may—
- (a) acquire, hold, manage, reclaim and dispose of land and other property;
 - (b) carry out building and other operations;
 - (c) carry on any business or undertaking for the purposes of the object; and
 - (d) generally do anything necessary or expedient for the purposes of the object or for purposes incidental to those purposes.
- (4) No provision of this Order by virtue of which any power is exercisable by the Corporation shall be construed as limiting the effect of paragraph (3).
- (5) Paragraph (3) relates only to the capacity of the Corporation as a statutory corporation; and nothing in this Article authorises the Corporation to disregard any statutory provision or rule of law.
- (6) A transaction between a person and the Corporation shall not be invalidated by reason of any failure by the Corporation to observe the object in paragraph (1) or the requirement in paragraph (3) that the Corporation shall exercise the powers conferred by that paragraph for the purpose of achieving that object.

Directions to the Corporation by Department

- 11.**—(1) Without prejudice to any provision of this Order requiring the consent of the Department to be obtained for anything to be done by the Corporation, the Department may give directions of a general or specific nature to the Corporation as to the manner in which it is to discharge its functions under this Order.
- (2) The Corporation shall act in accordance with any direction given to it under paragraph (1).

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

(4) A transaction between a person and the Corporation acting in purported exercise of its powers under this Order 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.

(5) Where—

- (a) the Department gives a direction to the Corporation under paragraph (1) to execute any works which the Corporation has power to execute under this Order; and
- (b) the Corporation refuses to execute those works or does not comply with the direction within such time as the Department may specify,

the Department may execute those works in place of the Corporation and the provisions of this Order shall, with any necessary modifications, apply to the execution of those works by the Department as they would have applied to their execution by the Corporation.

Miscellaneous powers

Power to provide financial assistance

12.—(1) The Corporation may, after consultation with the Department, provide financial assistance for any body or person doing or intending to do in the designated area 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) any thing not falling within sub-paragraphs (a) to (e) which the Corporation considers will benefit the designated area.

(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) Article 4 of the Social Need (Northern Ireland) Order 1986⁽⁴⁾ shall apply to financial assistance under this Article as it applies to financial assistance under Article 3 of that Order, but with the substitution for references to the Department of references to the Corporation.

Agreements for development of land

13. The Corporation may—

(4) 1986 NI 14

- (a) enter into an agreement with any person to develop any land in the designated area, whether or not the Corporation has any estate in that land; and
- (b) do anything which is required in order to develop that land in accordance with such agreement.

Agency agreements with Departments and other public bodies for execution of works

14.—(1) Where under any statutory provision powers are conferred on a relevant body to execute any works (of whatever kind and for whatever purpose)—

- (a) that body and the Corporation may enter into an agreement that the powers shall, to such extent and subject to such conditions as the agreement may specify, be exercised in the designated area by the Corporation on behalf of that body; and
- (b) the Corporation shall have power to execute those works in that area and otherwise to carry any such agreement into effect.

(2) Nothing in any agreement under paragraph (1) shall authorise or empower a relevant body or the Corporation on behalf of that body to execute the works in question otherwise than in accordance with, and subject to, any statutory provision conferring, or relating to, the power to execute the works; and references to the relevant body in any such statutory provision shall for the purposes of the execution of any such works be construed as including references to the Corporation.

(3) The Corporation shall not enter an agreement under paragraph (1) with a relevant body other than a Northern Ireland Department except with the approval of the Department.

(4) The Department may enter into an agreement with the Corporation that the powers of the Corporation to execute any works under this Order shall, to such extent and subject to such conditions as the agreement may specify, be exercised by the Department on behalf of the Corporation and the Department shall have power to execute those works and otherwise to carry any such agreement into effect.

(5) The provisions of this Order shall, with any necessary modifications, apply to the execution of any works by the Department in pursuance of an agreement under paragraph (4) as they would have applied to their execution by the Corporation.

(6) In this Article “relevant body” means—

- (a) a Northern Ireland Department;
- (b) the Northern Ireland Housing Executive;
- (c) the Northern Ireland Railways Company Limited;
- (d) the Belfast City Council;
- (e) the Belfast Harbour Commissioners;
- (f) any other body (being a body established under a statutory provision) specified for the purposes of this Article by an order made by the Department.

Studies, etc. for purposes of this Order

15. The Corporation may—

- (a) carry out; or
- (b) after consultation with the Department, give financial assistance towards the carrying out of,

such studies, investigations and research as the Corporation considers will further the object of the Corporation.

Consultation with Corporation on planning matters

16. Where under the Planning (Northern Ireland) Order 1972⁽⁵⁾ the Department is required to consult with the Belfast City Council about any matter relating to or affecting the designated area or land in that area, the Department shall also consult with the Corporation about that matter.

Powers in relation to the river

Power to execute works in relation to the river

17.—(1) The Corporation may execute such works in, on, across, over, alongside or adjacent to the river as it considers appropriate for the purposes of—

- (a) improving the quality of water in the river;
- (b) improving the immediate environment of the river;
- (c) promoting the recreational use of the river;
- (d) facilitating access to the river; and
- (e) otherwise furthering the object of the Corporation.

(2) Without prejudice to the generality of paragraph (1), the Corporation may—

- (a) construct embankments, quays and footpaths alongside, or adjacent to, the river;
- (b) dredge, reclaim land from, and alter or divert the channel of, the river;
- (c) operate, maintain, repair, alter, extend or remove any works executed under this Order and any existing works; and
- (d) provide such buildings, amenities, machinery, plant, apparatus and appliances as it considers appropriate in connection with any works executed under this Order and any existing works.

(3) In paragraph (2) “existing works” means works in, on, across, over, alongside or adjacent to the river which were executed at any time before the coming into operation of this Order and which, had this Order been in operation at that time, could have been executed by the Corporation.

(4) Schedule 2 shall have effect in relation to works under this Article.

Construction of bridges, weirs, locks and barrages

18.—(1) The Corporation—

- (a) may, if so authorised by an order under paragraph (2), construct a bridge over, or weir, lock or barrage across, the river;
- (b) shall not, unless so authorised by such an order, have power by virtue of any other provision of this Order to construct any such bridge, weir, lock or barrage.

(2) The Department may by order authorise the Corporation to construct a bridge over, or weir, lock or barrage across, the river and an order under this paragraph—

- (a) shall describe the nature and extent of the works authorised by the order;
- (b) shall include such information as may be necessary to indicate (within such limits of deviation as may be specified in the order) the situation, lines, levels and dimensions of the works;
- (c) shall include such conditions relating to the works and their execution as the Department thinks fit;

- (d) may include provision as to the management and operation of the completed works;
 - (e) may make such other provision as seems to the Department to be necessary or expedient in relation to, or in connection with, the works and their execution.
- (3) Before making an order under paragraph (2) the Department shall take into consideration the reasonable requirements of navigation on the river.
- (4) References in this Article to a bridge include references to a road, footway or railway over the bridge and to the approaches of any road, footway or railway to the bridge.
- (5) The carrying out of works authorised by an order under paragraph (2) shall for the purposes of this Order be taken to be within the object of the Corporation; and it shall be the duty of the Corporation in carrying out any such works to comply with the provisions of the order.
- (6) Paragraphs 2, 3, 5 and 6 of Schedule 2 shall have effect in relation to works under this Article.

Power to make byelaws as to use of river

- 19.**—(1) Subject to paragraph (3), the Corporation may make byelaws regulating—
- (a) the use of the river for recreational purposes;
 - (b) the conduct of persons using the river for recreational purposes;
 - (c) the movement of vessels on the river;
 - (d) the use of lights on the river.
- (2) Without prejudice to the generality of paragraph (1), byelaws under this Article may provide for the levying by the Corporation of tolls in respect of vessels using any lock which is under the management of the Corporation and in particular such byelaws may—
- (a) fix, or make provision for the fixing by the Corporation, of the amount of such tolls;
 - (b) make provision for the collection of such tolls and for exemptions from such tolls;
 - (c) make such other provision in connection with such tolls as the Corporation thinks necessary or expedient.
- (3) Byelaws under this Article shall not apply in relation to any part of the river within the limits for the time being of the jurisdiction of the Belfast Harbour Commissioners under the Belfast Harbour Acts 1847 to 1967.
- (4) Byelaws under this Article shall be made and have effect as if sections 91 (except subsection (6)), 92, 93 and 94(1) of the Local Government Act (Northern Ireland) 1972⁽⁶⁾ applied to them as those provisions apply to byelaws made by a district council, and as if—
- (a) for any reference in those provisions to a council or to the clerk of a council there were substituted a reference to the Corporation or to the chairman of the Corporation; and
 - (b) for any reference to the Ministry concerned there were substituted a reference to the Department and the Department of Agriculture acting jointly.

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;

(6) 1972 c. 9 (N.I.)

- (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⁽⁷⁾ 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⁽⁸⁾ 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⁽⁹⁾ 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;
- (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.

⁽⁷⁾ 1972 c. 9 (N.I.)

⁽⁸⁾ 1981 NI 16

⁽⁹⁾ 1967 c. 37 (N.I.)

- (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.

PART IV

MISCELLANEOUS AND SUPPLEMENTARY

Miscellaneous

Limits of jurisdiction of Belfast Harbour Commissioners

24.—(1) In the Belfast Harbour Acts 1847 to 1967 for any reference to the first weir across the River Lagan near Annadale in the County of Down in connection with the limits of the Port and Harbour of Belfast or of the jurisdiction of the Belfast Harbour Commissioners there shall be substituted a reference to the seaward extremity of the Queen Elizabeth bridge across the River Lagan.

(2) Schedule 4 shall have effect for the purpose of vesting in the Corporation—

- (a) the estate of the Belfast Harbour Commissioners in land ceasing under paragraph (1) to be within the limits of the jurisdiction of those Commissioners; and
- (b) certain works situated on that land.

Exercise of other statutory powers in designated area

25.—(1) The Department shall not—

- (a) provide financial assistance under Article 3 of the Social Need (Northern Ireland) Order 1986⁽¹⁰⁾ for anything which a body or person does or intends to do in the designated area;
- (b) exercise any of its powers under Article 5 or 6 of that Order in or in relation to the designated area.

(2) Nothing in paragraph (1) shall prevent the completion by the Department of any transaction, works or other thing which has been commenced by it before the coming into operation of this Order.

(3) Except as provided by paragraph (1) or by any agreement under Article 14(1), the powers conferred on the Corporation by this Order in relation to the designated area are in addition to, and not in derogation from, any powers exercisable by any other body or person in relation to that area by virtue of any other statutory provision.

(10) 1986 NI 14

Supplementary

Orders

26. Orders made by the Department under this Order (except Articles 9(1) and 20(2)) shall be subject to negative resolution.

Repeal or amendment of private and local Acts

27.—(1) Part II of the Belfast Corporation Act 1924⁽¹¹⁾ is hereby repealed.

(2) The Department may by order—

- (a) repeal any local or private Act in so far as it appears to the Department to be inconsistent with any provision of this Order;
- (b) amend any such Act so as to render it consistent with the provisions of this Order.

G. I. de Deney
Clerk of the Privy Council

⁽¹¹⁾ 1924 c. iv (N.I.)

SCHEDULES

SCHEDULE 1

Article 4(2).

THE LAGANSIDE CORPORATION

Status

1.—(1) The Corporation shall be a body corporate to which, subject to the provisions of this Schedule, section 19 of the Interpretation Act (Northern Ireland) 1954⁽¹²⁾ shall apply.

(2) Except as provided by any agreement under Article 14(1), the Corporation shall not be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown and the Corporation's property shall not be regarded as the property of, or property held on behalf of, the Crown.

Constitution of Corporation

2.—(1) The Corporation shall consist of not fewer than seven nor more than ten members appointed by the Head of the Department from among persons who appear to him to have experience in any field of activity which he considers is relevant to the discharge of the functions of the Corporation.

(2) Of the members appointed under sub-paragraph (1)—

(a) one shall be appointed after consultation with the Belfast Harbour Commissioners; and

(b) one shall be appointed after consultation with the Belfast City Council.

(3) The Head of the Department shall appoint one of the members as chairman and may appoint another as deputy chairman.

Appointment and tenure of office of members

3. It shall be the duty of the Head of the Department—

(a) to satisfy himself, before he 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 himself 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 Head of the Department proposes to appoint as a member shall, whenever requested by the Head of the Department to do so, furnish the Head of the Department with such information as he may specify with a view to carrying out his duty under this paragraph.

4.—(1) Subject to this paragraph a member of the Corporation shall hold and vacate office in accordance with the terms of his appointment.

(12) 1954 c. 33 (N.I.)

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

- (2) A member shall hold office for a fixed term not exceeding five years.
 - (3) A member may resign his office by giving to the Head of the Department a signed notice in writing to that effect.
 - (4) The Head of the Department may by notice in writing remove a member from office.
 - (5) A member who ceases to hold office shall be eligible for re-appointment to the Corporation.
- 5.—(1) Where a member becomes or ceases to be the chairman or deputy chairman, the Head of the Department may vary the terms of the instrument appointing him a member.
- (2) If the chairman or deputy chairman ceases to be a member, he shall cease to be chairman or deputy chairman, as the case may be.

Remuneration, etc. of members

6. The Corporation may pay to each member such remuneration and such allowances as the Department may, with the approval of the Department of Finance and Personnel, determine and where a member of the Corporation is in the employ of any other person, the Corporation may make to that other person in consideration of the services to the Corporation of that member such payments as the Department may, with the approval of the Department of Finance and Personnel, determine.

Disqualification of members of the Corporation for Northern Ireland Assembly

7. In Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975(13) (bodies of which all members are disqualified) there shall be inserted, at the appropriate place in alphabetical order,—

“The Laganside Corporation.”.

Proceedings

8. The quorum of the Corporation and the arrangements relating to meetings of the Corporation shall be such as the Corporation may determine.

9.—(1) A member who is in any way directly or indirectly interested in any matter which falls to be considered by the 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 and read at such a meeting.

10. The validity of any proceedings of the Corporation shall not be affected by any vacancy among the members or by any defect in the appointment of a member or by any failure to comply with the requirements of paragraph 9.

(13) 1975 c. 25

The seal

11. The common seal of the Corporation shall, when applied to a document, be attested by the signature of a member of the Corporation, or of an officer of the Corporation authorised by it to act for the purposes of this paragraph.

Execution of contracts and instruments not under seal

12. 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 the Corporation by any person generally or specially authorised by the Corporation to act for that purpose.

Committees

13.—(1) In connection with the exercise of its functions, the Corporation may establish such committees as appear to it to be appropriate, and, subject to sub-paragraphs (2) and (3), the composition of such a committee and the terms on which its members hold office shall be determined by the Corporation.

(2) Persons who are not members of the Corporation shall not, except with the approval of the Head of the Department, be appointed as members of any committee established under this paragraph.

(3) The Corporation may pay to members of any committee established under this paragraph who are not members of the Corporation such travelling and other allowances, including compensation for loss of remunerative time, as the Department may, with the approval of the Department of Finance and Personnel, determine.

(4) The Corporation may, with the approval of the Head of the Department, delegate to a committee established under this paragraph such of its functions as the Corporation may determine.

(5) Paragraphs 8 to 10 shall apply to any committee of the Corporation as they apply to the Corporation.

Investigation by Commissioner for Complaints

14. In Part II of Schedule 1 to the Commissioner for Complaints Act (Northern Ireland) 1969⁽¹⁴⁾ (public bodies subject to investigation) there shall be inserted at the appropriate place in alphabetical order—

“The Laganside Corporation”.

Staff

15.—(1) The Corporation may appoint—

- (a) a chief executive; and
- (b) such other officers and servants,

on such terms as to remuneration and conditions of service as the Department, with the approval of the Department of Finance and Personnel, may determine.

(2) The Corporation shall not appoint a person under paragraph (1)(a) without the approval of the Department.

(14) 1969 c. 25 (N.I.)

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(3) The Corporation may make provision for the payment of such pensions, allowances and expenses to or in respect of such persons appointed under sub-paragraph (1) as the Corporation may, with the approval of the Department and the Department of Finance and Personnel, determine.

Accounts and audit

16.—(1) The Corporation shall keep proper accounts and other records in relation to them.

(2) The accounts and records shall show, in respect of the financial year to which they relate, a true and fair view of the Corporation's activities.

(3) The Corporation shall prepare in respect of each financial year a statement of accounts complying with any requirement which the Department has (with the approval of the Department of Finance and Personnel) notified in writing to the Corporation relating to—

- (a) the information to be contained in the statement;
- (b) the manner in which the information is to be presented; and
- (c) the methods and principles according to which the statement is to be prepared.

(4) Subject to any requirement notified to the Corporation under sub-paragraph (3), in preparing any statement of accounts in accordance with that sub-paragraph the Corporation shall follow, with respect to each of the matters specified in heads (a) to (c) of that sub-paragraph, such course as may for the time being be approved by the Department with the consent of the Department of Finance and Personnel.

17.—(1) The Corporation's accounts and statements of accounts shall be audited by an auditor to be appointed annually by the Department in relation to the Corporation.

(2) A person shall not be qualified for appointment under sub-paragraph (1) unless he is qualified for appointment as auditor of a company under Article 397 of the Companies (Northern Ireland) Order 1986(15).

(3) A person shall not be qualified for appointment under sub-paragraph (1) if the person is—

- (a) a member, officer or servant of the Corporation,
- (b) a partner of, or employed by, a member, officer or servant of the Corporation, or
- (c) a body corporate.

18. As soon as the accounts and statement of accounts of the Corporation for any financial year have been audited, the Corporation shall send to the Department a copy of the statement, together with a copy of any report made by the auditor on the statement or on the accounts.

Annual report

19.—(1) As soon as possible after the end of each financial year, the Corporation shall make to the Department a report dealing generally with the Corporation's operations during the year, and shall include in the report a copy of its audited statement of accounts for that year.

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

Information

20. Without prejudice to paragraph 19, the Corporation shall provide the Department with such information relating to its undertaking as the Department may require, and for that purpose shall

(15) 1986 NI 6

permit any person authorised by the Department to inspect and make copies of the accounts, books, documents or papers of the Corporation and shall afford such explanation of them as that person or the Department may reasonably require.

SCHEDULE 2

Articles 17(4) and 18(6).

ANCILLARY PROVISIONS RELATING TO WORKS UNDER ARTICLES 17 AND 18

Approval of Department and of Department of Agriculture

1.—(1) The Corporation shall not execute any works under Article 17 unless those works have been approved by the Department and by the Department of Agriculture.

(2) An approval under sub-paragraph (1) may be given subject to such terms and conditions as the Department or (as the case may be) the Department of Agriculture thinks fit.

Consultation with the Belfast Harbour Commissioners

2.—(1) It shall be the duty of the Corporation before—

(a) executing any works under Article 17 or 18 within the harbour limits; or

(b) exercising any power conferred by Article 17 or this Schedule within the harbour limits,

to consult with the Belfast Harbour Commissioners and to take into account any representations made to the Corporation by the Commissioners so as to ensure that the execution of those works or the exercise of those powers causes the minimum interference to the property of the Commissioners or to the exercise by the Commissioners of their functions.

(2) Sections 8 to 14 of the Belfast Port and Harbour Conservancy Act 1852⁽¹⁶⁾ (control of works within the harbour limits) shall not apply to the Corporation or to works executed under Article 17 or 18.

(3) In this paragraph and paragraph 4(1) “the harbour limits” means the limits for the time being of the jurisdiction of the Belfast Harbour Commissioners under the Belfast Harbour Acts 1847 to 1967.

Tidal works

3.—(1) The Corporation shall not construct, alter or extend any tidal work under Article 17 or 18 except with the consent of the Secretary of State concerned with navigation and subject to any conditions imposed by the Secretary of State before the works are begun.

(2) Schedule 3 to the Harbours Act (Northern Ireland) 1970⁽¹⁷⁾ (conditions relating to tidal works) shall apply in relation to any tidal work constructed, altered or extended by the Corporation under Article 17 or 18 as it applies in relation to any tidal work constructed, altered or extended by a local harbour authority but with the substitution—

(a) for references to a local harbour authority and the responsible harbour authority of references to the Corporation;

(b) for the references to section 11(1) and (2) of that Act of references to sub-paragraph (1) of this paragraph; and

⁽¹⁶⁾ 1852 c. cxxi
⁽¹⁷⁾ 1970 c. 1 (N.I.)

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(c) in paragraph 3(1) for the words “in the harbour of” of the words “constructed by”.

(3) In this paragraph and in Schedule 3 to the Harbours Act (Northern Ireland) 1970 as applied by sub-paragraph (2) “tidal work” means any work, or part of any work, which is on, under or over any land which is below the level of mean high water springs.

Dredging

4.—(1) Without prejudice to paragraph 3, the Corporation shall not dredge the river within the harbour limits without the consent of the Belfast Harbour Commissioners.

(2) Any materials taken up or collected in the course of dredging the river shall be the property of the Corporation and may be used, sold, removed, deposited or otherwise disposed of as the Corporation may think fit; but the Corporation shall not deposit any such materials below the level of mean high water springs except in such position as the Secretary of State concerned with navigation may approve and subject to such conditions and restrictions as he may impose.

Temporary interference with river

5. The Corporation may, for the purpose of or in connection with the execution of any works under Article 17 or 18,—

- (a) temporarily alter or interfere with the river and construct or place in the river all such temporary works as it may deem necessary or expedient;
- (b) temporarily occupy and use the river;
- (c) temporarily restrict, terminate or otherwise interfere with easements, fishing rights, water rights, navigation rights or other similar rights.

Extinguishment of certain public rights

6.—(1) If the Department considers it necessary or desirable to do so in connection with any works executed under Article 17 or 18, the Department may, on application to it by the Corporation, make an order extinguishing—

- (a) any public rights over or in relation to such part of the foreshore within the designated area as is specified in the order;
- (b) any public rights of navigation over such part of the river as is specified in the order.

(2) Article 63(1) and (3) of, and Schedule 6 to, the Roads (Northern Ireland) Order 1980⁽¹⁸⁾ shall apply to an order under sub-paragraph (1) as they apply to an order under Article 6 of that Order.

SCHEDULE 3

Article 20(3).

MODIFICATIONS OF SCHEDULE 6 TO THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972 FOR THE PURPOSES OF ARTICLE 20(3)

1. References to the Department shall be construed as references to the Department within the meaning of this Order.

2. For any reference to a council or the council or the clerk of the council substitute a reference to the Corporation or the chief executive of the Corporation.

(18) 1980 NI 11

3. For any reference to that Act substitute a reference to this Order.
4. Any references to that Schedule shall be construed as references to that Schedule as modified by this Schedule.
5. In paragraph 3(1)(b) for the words in brackets substitute the words “by the planning appeals commission or by any other person (if the Department thinks it necessary to do so)”.
6. Paragraphs 19 and 20(2) shall be omitted.

SCHEDULE 4

Article 24(2).

VESTING OF CERTAIN LAND AND WORKS IN THE CORPORATION

1.—(1) This paragraph applies to any land which under Article 24(1) ceases to be within the limits of the jurisdiction of the Belfast Harbour Commissioners.

(2) The estate of the Belfast Harbour Commissioners in any land to which this paragraph applies shall on the transfer date be transferred to the Corporation; and accordingly as from that date, by virtue of this Order and without any further conveyance, transfer or assignment, that estate shall vest in the Corporation.

(3) The Department shall, on the application of the Belfast Harbour Commissioners, pay compensation in respect of the estate transferred by virtue of this paragraph, of such amount as may be agreed by the Department and the Commissioners or, in default of such agreement, may be determined by the Lands Tribunal.

2. The lock and weir across the River Lagan constructed under Part II of the Belfast Corporation Act (Northern Ireland) 1924(19) and referred to in that Part as “Work No. 2” shall on and from the transfer date, by virtue of this Order and without any further conveyance, transfer or assignment, vest in and be the property of the Corporation.

3. In paragraphs 1 and 2 “the transfer date” means the date on which the first members of the Corporation are appointed under paragraph 2 of Schedule 1.

4. The Department may by order make such transitional, consequential or supplementary provisions as appear to the Department to be necessary or expedient in connection with the vesting of any estate or property in the Corporation under this Schedule.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the establishment, powers and duties of the Laganside Corporation whose object is to secure the regeneration of the Laganside area of Belfast.

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