

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(1) 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.

(1) 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Status: This is the original version (as it was originally made).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(2) (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.

(2) 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⁽³⁾ (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.

(3) 1969 c. 25 (N.I.)

Status: This is the original version (as it was originally made).

(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⁽⁴⁾.

(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

(4) 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⁽⁵⁾ (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⁽⁶⁾ (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

(5) 1852 c. cxxi
(6) 1970 c. 1 (N.I.)

Status: This is the original version (as it was originally made).

(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(7) 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.

(7) 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(8) 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.