
STATUTORY INSTRUMENTS

1996 No. 275

The Gas (Northern Ireland) Order 1996

**PART IV
SUPPLEMENTAL**

Repayment of fees

66.—(1) Regulations under this Order which prescribe any fee for the purpose of any provision of this Order may make provision for the repayment of any such fee paid or purported to be paid, in pursuance of that provision of this Order, including provision—

- (a) that repayment shall be made only if a specified person is satisfied that specified conditions are met or in other circumstances;
 - (b) that repayment shall be made in part only;
 - (c) that, in the case of partial repayment, the amount repaid shall be a specified sum or determined in a specified manner; and
 - (d) for repayment of different amounts in different circumstances.
- (2) In this Article “specified” means specified in the regulations.

Compensation

67.—(1) Where any dispute arises as to whether compensation is payable under this Order, or as to the amount of any such compensation, or as to the persons to whom it is payable, the dispute shall be referred to and determined by the Lands Tribunal.

(2) Articles 4 and 5 of the Land Compensation (Northern Ireland) Order 1982 shall apply, with appropriate modifications, to any such determination.

Application to Crown land

68.—(1) Subject to paragraphs (2) to (4), the provisions of this Order shall have effect in relation to Crown land as they have effect in relation to land which is not Crown land.

(2) The powers conferred by or under Schedule 2 shall not be exercisable in relation to Crown land, to the extent of the estate therein held by or on behalf of the Crown.

- (3) The powers conferred by or under—
- (a) Schedules 2 and 3; and
 - (b) subject to paragraph (4), Schedule 5,

shall not, except with the consent of the appropriate authority, be exercisable in relation to Crown land.

(4) The powers conferred by or under Schedule 5 shall, without the consent of the appropriate authority, be exercisable in relation to Crown land, to the extent of any estate therein for the time being held otherwise than by or on behalf of the Crown.

(5) For the purposes of paragraph (1) a Northern Ireland department may dispose of land vested in that department on such financial and other conditions as that department may consider appropriate.

(6) In this Article any reference to the Crown includes a reference to the Crown in right of Her Majesty's Government in Northern Ireland.

(7) In this Article—

“the appropriate authority”, in relation to any land, means—

- (a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, the Crown Estate Commissioners;
- (b) in the case of any other land belonging to Her Majesty in right of the Crown, the government department having the management of that land;
- (c) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, that government department;

and, if any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Department of Finance and Personnel or, as the case may be, the Treasury, whose decision shall be final;

“Crown estate” means an estate—

- (a) belonging to Her Majesty in right of the Crown; or
- (b) belonging to a government department or held in trust for Her Majesty for the purposes of a government department;

“Crown land” means land in which there is a Crown estate.

(8) A person who is entitled to occupy Crown land by virtue of a licence in writing shall be treated for the purposes of this Article as having an estate in land.

Regulations and orders

69.—(1) Any regulations or orders made by the Department under this Order (other than vesting orders under Part I of Schedule 2 or orders to which paragraph (2) applies) shall be subject to negative resolution.

(2) The Statutory Rules (Northern Ireland) Order 1979 shall not apply to any order made by the Department under—

- (a) Article 7; or
- (b) paragraph 13(6) of Schedule 3.

(3) Any regulations made by the Director under this Order shall be laid before the Assembly by the Department and shall be subject to negative resolution.

(4) Regulations made under any provision of this Order may provide for the determination of questions of fact or of law which may arise in giving effect to the regulations and for regulating (otherwise than in relation to any court proceedings) any matters relating to the practice and procedure to be followed in connection with the determination of such questions, including provision—

- (a) as to the mode of proof of any matter;
- (b) as to parties and their representation;
- (c) for the right to appear before and be heard by the Department, the Director and other authorities; and
- (d) as to awarding costs of proceedings for the determination of such questions, including the amount of the costs and the enforcement of the awards.

(5) Regulations made under any provision of this Order which prescribe a period within which things are to be done may provide for extending the period so prescribed.

(6) Regulations made under any provision of this Order may—

(a) provide for anything falling to be determined under the regulations to be determined by such persons, in accordance with such procedure and by reference to such matters and to the opinion of such persons as may be prescribed;

(b) make such supplemental, consequential and transitional provision as the Department or, as the case may be, the Director considers appropriate.

(7) Regulations made under any provision of this Order may provide that any person contravening the regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Directions

70.—(1) It shall be the duty of any person to whom a direction is given under this Order to give effect to that direction.

(2) Any power conferred by this Order to give a direction shall include power to vary or revoke the direction.

(3) Any direction given under this Order shall be in writing.

Amendments, transitional provisions, savings and repeals

71.—(1) The statutory provisions set out in Schedule 6 shall have effect subject to the amendments specified in that Schedule.

(2) Without prejudice to section 17(2) of the Interpretation Act (Northern Ireland) 1954, the Department may by order make such modifications of instruments made under statutory provisions as appear to the Department necessary or expedient in consequence of the provisions of this Order; and in this paragraph “instrument” has the meaning assigned to it by section 1 (c) of that Act of 1954.

(3) Without prejudice to sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954, the transitional and saving provisions in Schedule 7 shall have effect.

(4) The statutory provisions set out in Schedule 8 are hereby repealed to the extent specified in column 3 of that Schedule.

(5) Any local or private Act shall, to the extent that it authorises or regulates, or otherwise makes provision in connection with, the supply of gas (within the meaning of Part II), cease to have effect.