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STATUTORY INSTRUMENTS

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**2003 No. 410**

**The Strategic Investment and Regeneration  
of Sites (Northern Ireland) Order 2003**

**PART III**

**REGENERATION OF SITES**

*The relevant sites*

**The relevant sites**

- 9.**—(1) In this Part references to a relevant site are references to an area of land which –
- (a) on 2nd May 2002 was held by or on behalf of the Crown in right of Her Majesty’s Government in the United Kingdom; and
  - (b) is made available to the Executive in pursuance of arrangements (known as “the reinvestment and reform initiative”) made between that Government and the Executive and announced on that date.
- (2) Subject to the following provisions of this Part, the Office shall have power –
- (a) to hold and manage a relevant site; and
  - (b) generally to implement the arrangements mentioned in paragraph (1)(b) so far as relating to relevant sites.
- (3) A certificate signed by the First Minister and deputy First Minister that an area of land is a relevant site is conclusive evidence of that fact for the purposes of this Part.

*Functions of the Office in relation to relevant sites*

**Disposal of relevant sites by the Office**

- 10.**—(1) The Office may, with the approval of the Department of Finance and Personnel, dispose of any land forming all or part of a relevant site and vested in the Office.
- (2) A disposal under this Article –
- (a) may be for value or otherwise; and
  - (b) shall be on such terms and conditions as the Office may think fit.
- (3) In particular on any such disposal the Office may –
- (a) impose such restrictions as the Office may think necessary on the use of the land disposed of; and
  - (b) grant or reserve such rights over the land as the Office may think fit.
- (4) Nothing in section 5 of the Stormont Regulation and Government Property Act (Northern Ireland) 1933 (c. 6) affects the disposal by the Office of land forming all or part of a relevant site.

**Regeneration of relevant sites by the Office**

**11.—**(1) For the purpose of securing the regeneration of a relevant site, the Office may –

- (a) carry out the development or redevelopment of land, including the conversion or demolition of existing buildings;
- (b) carry out building and other operations;
- (c) provide services and facilities;
- (d) form, or acquire interests in, bodies corporate;
- (e) act with other persons, whether in partnership or otherwise;
- (f) give financial assistance to other bodies or persons in accordance with paragraphs (2) to (5);
- (g) carry out studies, investigations and research;
- (h) generally do anything necessary or expedient for that purpose.

(2) The Office may, with the approval of the Department of Finance and Personnel, provide financial assistance for any body or person doing or intending to do on or in relation to a relevant site anything falling within paragraph (3).

(3) Financial assistance under paragraph (2) 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) anything not falling within sub-paragraphs (a) to (e) which the Office considers will benefit the site.

(4) Financial assistance under paragraph (2) may include –

- (a) grants;
- (b) loans;
- (c) guarantees;
- (d) the taking of any interest in property or in a body corporate.

(5) In providing financial assistance under paragraph (2), the Office may impose such conditions as it thinks fit, including conditions for repayment in specified circumstances.

**Acquisition of land by the Office**

**12.—**(1) The Office may acquire by agreement or compulsorily land which –

- (a) is adjacent to a relevant site and is required by the Office for purposes connected with the discharge of its functions in relation to the site; or
- (b) is required to provide or improve access to a relevant site.

(2) Parts I and III of Schedule 2 shall have effect in relation to –

- (a) the compulsory acquisition of land under paragraph (1); and
- (b) powers of entry in connection with the acquisition of land under that paragraph.

(3) Where land is acquired by the Office under paragraph (1) in connection with a relevant site, that land shall for the purposes of this Part be taken to form part of the relevant site.

### **Agreements and consultation with other bodies and persons**

**13.—**(1) The Office may –

- (a) enter into an agreement with any person for the development of any land forming all or part of a relevant site, and
- (b) do anything which is required in order to secure the development of that land in accordance with such agreement.

(2) The Office shall consult –

- (a) the district council for the district in which a relevant site is situated;
- (b) such other public bodies as the Office thinks appropriate; and
- (c) such other bodies or persons as appear to the Office to have an interest in the site,

about the exercise of the Office’s functions under Article 11 in relation to the site.

### **Powers of Office not exercisable where development corporation established**

**14.** Articles 10 to 13 do not apply in relation to any relevant site for which a development corporation is for the time being established under Article 15.

### *Regeneration of relevant sites by development corporations*

### **Power to establish development corporations for relevant sites**

**15.—**(1) The Office may by order establish a body (to be known as a “development corporation”) for a relevant site or for two or more such sites.

(2) A development corporation shall be a body corporate by such name as is specified in the order establishing it.

(3) Schedule 1 shall have effect in relation to a development corporation.

(4) The Office may by order provide for a development corporation for the time being established for any relevant site or sites to exercise its functions in relation to any additional relevant site or sites specified in the order.

(5) The Office may by order subject to negative resolution provide for a development corporation for the time being established for two or more relevant sites to cease to exercise its functions in relation to a relevant site or sites specified in the order.

(6) No order shall be made under paragraph (1) or (4) in relation to a relevant site unless –

- (a) a draft of the order has been laid before, and approved by resolution of, the Assembly; and
- (b) the site is vested in the Office.

(7) If a development corporation is for the time being established for two or more relevant sites, references in this Part to the site of a development corporation shall be read as references to both or all of those sites.

### **Object and general powers of development corporations**

**16.—**(1) The object of a development corporation is to secure the regeneration of its site.

(2) That object is to be achieved in particular by the following means (or by such of them as seem to the corporation to be appropriate) –

- (a) by bringing land and buildings into effective use;

- (b) by encouraging public and private investment and the development of industry and commerce;
  - (c) by creating an attractive environment;
  - (d) by ensuring that social, recreational, cultural and community facilities are available.
- (3) Subject to the following provisions of this Part, for the purpose of achieving its object a development corporation may –
- (a) hold, manage and dispose of land and other property;
  - (b) carry out the development or redevelopment of land, including the conversion or demolition of existing buildings;
  - (c) carry out building and other operations;
  - (d) provide services and facilities;
  - (e) act with other persons, whether in partnership or otherwise;
  - (f) give financial assistance to other bodies or persons in accordance with Article 18;
  - (g) carry on any business or undertaking;
  - (h) carry out studies, investigations and research;
  - (i) generally do anything necessary or expedient for the purposes of its object or for purposes incidental to those purposes.
- (4) Paragraph (3) relates only to the capacity of a development corporation as a statutory corporation and nothing in this Article authorises a development corporation to disregard a statutory provision or rule of law.
- (5) A transaction between a person and a development corporation is not invalidated by reason of any failure of the corporation to observe –
- (a) the object in paragraph (1); or
  - (b) the requirement in paragraph (3) that the corporation shall exercise the powers conferred by that paragraph for the purpose of achieving that object.

### **Special provision concerning powers of development corporation**

**17.** An order under Article 15(1) may provide –

- (a) that any powers which may be exercisable by a development corporation under this Part and which are specified in the order –
  - (i) are not to be exercisable by the corporation established by the order; or
  - (ii) are not to be so exercisable without the consent of the Office or the Department of Finance and Personnel, or both;
- (b) that such powers as are specified in the order are to be exercisable by the corporation established by the order in addition to those otherwise so exercisable;

and this Part shall apply in relation to the corporation accordingly.

### **Financial assistance by development corporation**

**18.—(1)** A development corporation may provide financial assistance for any body or person doing or intending to do on or in relation to the site 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) anything not falling within sub-paragraphs (a) to (e) which the corporation considers will benefit its site.
- (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) In providing financial assistance under paragraph (1), the corporation may impose such conditions as it thinks fit, including conditions for repayment in specified circumstances.

#### **Directions to development corporation by the Office**

**19.**—(1) The Office may give directions of a general or specific nature to a development corporation as to the manner in which it is to discharge its functions under this Part.

(2) A development corporation shall act in accordance with any direction given to it under paragraph (1).

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

(4) A transaction between a person and a development corporation acting in purported exercise of its powers under this Part 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.

#### **Land: transfer to, and acquisition of land by, development corporation**

**20.**—(1) The Office may by order transfer to a development corporation any land forming all or part of the corporation's site which is vested in the Office.

- (2) A development corporation may acquire by agreement or compulsorily land which –
- (a) is adjacent to its site and is required by the corporation for purposes connected with the discharge of the corporation's functions in relation to its site; or
  - (b) is required to provide or improve access to the site.

(3) Parts II and III of Schedule 2 shall have effect in relation to –

- (a) the compulsory acquisition of land under paragraph (2); and
- (b) powers of entry in connection with the acquisition of land under that paragraph.

(4) A development corporation may, with the approval of the Office, 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 (c. 37) shall apply to an order under this paragraph as they apply to an order under subsection (1) of that section, but with the substitution –

- (a) for references to the Holding Company of references to the development corporation; and
- (b) for references to the Department of references to the Office.

(5) Where land is acquired by a development corporation under paragraph (2), references in this Part to the site of the corporation shall be taken to include the land so acquired.

#### **Land: disposal or transfer of land held by development corporation**

**21.—**(1) A development corporation may dispose of any land for the time being held by it to such person or body and in such manner as it considers expedient for securing the regeneration of the corporation's site or for purposes connected with the regeneration of that site.

(2) A disposal under paragraph (1) –

- (a) may be for value or otherwise;
- (b) shall be on such terms and conditions as the corporation may think fit.

(3) In particular on any such disposal the corporation may –

- (a) impose such restrictions as the corporation may think necessary on the use of the land disposed of; and
- (b) grant or reserve such rights over the land as the corporation may think fit.

(4) The Office may by order vest any land for the time being held by a development corporation in any public body (including the Office itself).

#### **Agreements and arrangements with other bodies and persons**

**22.—**(1) A development corporation may –

- (a) enter into an agreement with any person for the development of any land forming all or part of its site, and
- (b) do anything which is required in order to secure the development of that land in accordance with such agreement.

(2) Where under any statutory provision powers are conferred on a public body to do anything (of whatever kind and for whatever purpose) –

- (a) that body and the corporation may enter into an agreement that those powers shall, to such extent and subject to such conditions as the agreement may specify, be exercised on or in relation to its site by the corporation on behalf of that public body;
- (b) the corporation shall have power to carry any such agreement into effect; and
- (c) for that purpose references to the public body in any such statutory provision shall be construed as including references to the corporation.

(3) The corporation shall not enter an agreement under paragraph (2) with a public body other than a Northern Ireland department except with the approval of the Office.

(4) A public body may enter into an agreement with a development corporation that any powers of the corporation under this Part shall, to such extent and subject to such conditions as the agreement may specify, be exercised by the public body on behalf of the corporation and the public body shall have power to carry any such agreement into effect.

(5) The provisions of this Part shall, with any necessary modifications, apply to the exercise of powers under this Part by a public body in pursuance of an agreement under paragraph (4) as they would have applied to their exercise by the development corporation.

#### **Exercise of other statutory powers in relation to site of development corporation**

**23.—**(1) The Office may by order provide –

- (a) that prescribed functions of any public body shall not be exercisable on, or in relation to, the site of a development corporation; or

(b) that prescribed functions of a public body shall not be so exercisable except with the consent of the corporation or in accordance with an agreement under Article 22.

(2) No order shall be made under this Article unless a draft of the order has been laid before, and approved by resolution of, the Assembly.

(3) In this Article “prescribed” means prescribed by an order under this Article.

### **Duty on public bodies to co-operate with and facilitate development corporation**

**24.** It is the duty of a public body in the exercise of its functions –

- (a) to facilitate the exercise by a development corporation of its functions; and
- (b) to co-operate with a development corporation in the exercise of its functions,

to such extent as the corporation may reasonably require.

### **Consultation**

**25.—**(1) A development corporation shall consult –

- (a) the district council for the district in which its site is situated;
- (b) such other public bodies as the corporation thinks appropriate; and
- (c) such other bodies or persons as appear to the corporation to have an interest in the regeneration of the corporation’s site,

about the exercise of the corporation’s functions in relation to that site.

(2) Where under the [Planning \(Northern Ireland\) Order 1991 \(NI 11\)](#) the Department of the Environment is required to consult with the relevant district council about any matter relating to or affecting the site of a development corporation, the Department shall also consult with the corporation about that matter.

### **Power to dissolve a development corporation**

**26.—**(1) The Office may by order make provision for, and in connection with, the dissolution of a development corporation.

(2) An order under this Article may –

- (a) provide for the transfer of the property, rights and liabilities of the corporation (including rights and liabilities under a contract of employment) to any other public body;
- (b) enable any public body to continue and complete anything which has been commenced by the corporation before its dissolution; and
- (c) contain such other provisions as appear to the Office to be necessary or expedient for giving full effect to the order.

(3) No order shall be made under this Article unless a draft of the order has been laid before and approved by resolution of the Assembly.

### **Orders under this Part**

**27.—**(1) An order under this Part may contain such incidental, consequential, supplementary and transitional provisions as the Office thinks necessary or expedient, including provisions amending or repealing any statutory provision (including this Order).

(2) Paragraph (1) and the [Statutory Rules \(Northern Ireland\) Order 1979 \(NI 12\)](#) do not apply to orders under Article 20(1) or (4) or 21(4) or paragraph 1 or 3 of Schedule 2 (orders vesting land, etc.).