

SCHEDULES

SCHEDULE 1

Article 15

DEVELOPMENT CORPORATIONS

Status

- 1.—(1) A development corporation shall not be regarded –
 - (a) as the servant or agent of the Crown; or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The property of a development corporation shall not be regarded as property of, or held on behalf of, the Crown.
- (3) Subject to the following provisions of this Schedule, section 19 of the Interpretation Act (Northern Ireland) 1954 (c. 33) applies to a development corporation.

Membership, chairman, etc.

- 2.—(1) A development corporation shall consist of –
 - (a) a chairman; and
 - (b) such number of other members as is specified in the order establishing the corporation.
- (2) The chairman and other members shall be appointed by the Office.
- (3) In making appointments under this paragraph, the Office shall –
 - (a) secure that each member has experience in a field of activity relevant to the discharge of the functions of the corporation;
 - (b) have regard to the desirability of securing the services of people having specialist knowledge of the locality in which the site is situated; and
 - (c) as far as practicable secure that the members of the corporation (taken together) are representative of the community in Northern Ireland.
- (4) At least one of the members appointed under sub-paragraph (1)(b) shall be appointed after consultation with the district council for the district in which the site of the corporation is situated.
- (5) The Office may appoint one of the members mentioned in sub-paragraph (1)(b) as deputy chairman of the corporation.
- (6) It shall be the duty of the Office –
 - (a) to satisfy itself, before it 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 itself 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 Office proposes to appoint as a member shall, whenever requested by it to do so, give the Office such information as it may specify with a view to carrying out its duty under this sub-paragraph.

Status: This is the original version (as it was originally made).

Tenure of office

3.—(1) Subject to the provisions of this Schedule, a member shall hold and vacate office in accordance with the terms of his appointment.

(2) A person shall not be appointed as a member for more than five years at a time.

(3) A person may at any time resign his office as a member by notice in writing to the Office.

(4) A person appointed as chairman or deputy chairman of the corporation –

(a) shall hold and vacate that office in accordance with the terms of his appointment;

(b) may resign that office by notice in writing to the Office; and

(c) shall cease to hold that office if he ceases to be a member.

(5) The Office may by notice in writing remove a person from office as a member or as chairman or deputy chairman of the corporation.

(6) A person who ceases (otherwise than by virtue of sub-paragraph (5)) to be a member or to be the chairman or deputy chairman of the corporation shall be eligible for re-appointment.

Remuneration, etc. of members

4.—(1) A development corporation shall pay to its members such remuneration and allowances as the Office may determine.

(2) If –

(a) a person ceases to be a member or ceases to be the chairman or deputy chairman of the corporation; and

(b) it appears to the Office that there are special circumstances which make it right that he should receive compensation,

the Office may direct the corporation to make a payment of such amount as the Office may determine.

(3) A determination of the Office under this paragraph requires the approval of the Department of Finance and Personnel.

Staff, etc.

5.—(1) A development corporation shall have –

(a) a chief executive, with responsibility to the corporation for the carrying out of its functions and the management of its employees; and

(b) such other employees as the corporation may appoint.

(2) The first chief executive of a corporation shall be appointed by the Office.

(3) Every subsequent chief executive shall be appointed by the corporation with the approval of the Office.

6.—(1) A development corporation may make arrangements with a Northern Ireland department for persons employed in the Northern Ireland civil service to be seconded to the corporation.

(2) Arrangements made with a department other than the Department of Finance and Personnel require the approval of that Department.

7.—(1) A development corporation shall pay to its employees such remuneration and allowances as it may determine.

- (2) A development corporation shall –
 - (a) pay, or make payments in respect of, such pensions or gratuities to or in respect of its employees or former employees as it may determine; and
 - (b) provide and maintain such schemes (whether contributory or not) as it may determine for the payment of pensions or gratuities to or in respect of its employees or former employees.
- (3) A determination of a development corporation under this paragraph requires the approval of the Office and the Department of Finance and Personnel.
- (4) References in this paragraph to pensions and gratuities include references to pensions or gratuities by way of compensation to or in respect of employees who suffer loss of employment or loss or diminution of emoluments.

Committees

- 8.—**(1) A development corporation may establish committees.
- (2) A person who is not a member of the corporation shall not, except with the approval of the Office, be appointed to a committee of the corporation.
- (3) A development corporation may pay to members of its committees who are neither members nor employees of the corporation such remuneration and allowances as the corporation may, with the approval of the Office, determine.

Delegation to committees and staff

- 9.—**(1) A development corporation may, to such extent as it may determine, delegate any of its functions to –
 - (a) any committee of the corporation;
 - (b) any employee of the corporation; or
 - (c) any person seconded to the corporation in accordance with arrangements made under paragraph 6.
- (2) Any committee of a development corporation may, to such extent as the committee may determine, delegate any functions of the committee to –
 - (a) any employee of the corporation; or
 - (b) any person seconded to the corporation in accordance with arrangements made under paragraph 6.

Proceedings

- 10.—**(1) Subject to the following provisions of this paragraph and paragraph 11, a development corporation may regulate –
 - (a) its own procedure (including quorum); and
 - (b) the procedure (including quorum) of its committees.
- (2) A development corporation shall make provision for a quorum for meetings of its committees to include at least one member or employee of the corporation.

- 11.—**(1) A member who is in any way, directly or indirectly, interested in any matter which falls to be considered by a development 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.

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

(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 at such a meeting.

(5) Sub-paragraphs (1) to (4) apply in relation to committees of the corporation as they apply in relation to the corporation.

12. The validity of any proceedings of a development corporation, or of any of its committees, shall not be affected by –

- (a) any vacancy among the members of the corporation or of members of the committee;
- (b) any vacancy in the office of the chairman or deputy chairman of the corporation;
- (c) any defect in the appointment of any one or more members or of the chairman or deputy chairman of the corporation; or
- (d) any failure to comply with paragraph 11.

Application of seal and evidence

13. The application of the seal of a development corporation shall be authenticated by the signature –

- (a) of any member; or
- (b) of any other person who has been authorised by the corporation (whether generally or specially) for that purpose.

14. A document purporting to be –

- (a) duly executed by a development corporation under its seal; or
- (b) signed on its behalf,

shall be received in evidence and shall, unless the contrary is proved, be taken to be so executed or signed.

15. 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 a development corporation by any person generally or specially authorised by the corporation for that purpose.

Finance

16.—(1) The Office may make payments to a development corporation out of money appropriated for the purpose.

(2) Payments under this paragraph shall be made on such terms and conditions as the Office may, with the approval of the Department of Finance and Personnel, determine.

17.—(1) A development corporation shall –

- (a) keep proper accounts and proper records in relation to the accounts; and
- (b) prepare a statement of accounts in respect of each financial year.

(2) The statement of accounts shall –

- (a) be in such form; and
- (b) contain such information,

as the Office may, with the approval of the Department of Finance and Personnel, direct.

(3) A development corporation shall, within such period after the end of each financial year as the Office may direct, send copies of the statement of accounts relating to that year to –

- (a) the Office; and
- (b) the Comptroller and Auditor General for Northern Ireland.

(4) The Comptroller and Auditor General shall –

- (a) examine, certify and report on every statement of accounts sent to him by a corporation under this paragraph; and
- (b) send a copy of his report to the Office.

(5) The Office shall lay a copy of the statement of accounts and of the Comptroller and Auditor General's report before the Assembly.

18.—(1) After consultation with a development corporation, the Office may, with the approval of the Department of Finance and Personnel, determine the financial duties of the corporation.

(2) The Office 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 Office, with the approval of the Department of Finance and Personnel, may direct a development corporation to pay to the Office out of any money which appears to the Office to be surplus to the requirements of the corporation such sums as the Office may determine.

(4) The corporation shall comply with any such direction.

(5) Any sums received by the Office under this paragraph shall be paid into the Consolidated Fund.

Annual report

19.—(1) As soon as practicable after the end of each financial year, a development corporation shall send to the Office a report on the carrying out of its functions during that year.

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

Information

20. A development corporation shall –

- (a) provide the Office with such information relating to its activities as the Office may require; and
- (b) permit any person authorised by the Office to inspect and make copies of the accounts, books or other papers of the corporation and give that person such explanation of them as he may reasonably require.

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

The Commissioner for Complaints (Northern Ireland) Order 1996 (NI. 7)

21. In Schedule 2 to the Commissioner for Complaints (Northern Ireland) Order 1996 (bodies subject to investigation) there shall be inserted, at the appropriate place –

“A development corporation established under Part III of the Strategic Investment and Regeneration of Sites (Northern Ireland) Order 2003”.

The Northern Ireland Assembly Disqualification Act 1975 (c. 25)

22. In Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies whose members are disqualified) there shall be inserted, at the appropriate place –

“A development corporation established under Part III of the Strategic Investment and Regeneration of Sites (Northern Ireland) Order 2003”.

The Freedom of Information Act 2000 (c. 36)

23. In Part VII of Schedule 1 to the Freedom of Information Act 2000 (bodies, etc. which are public authorities for the purposes of the Act) there shall be inserted, at the appropriate place –

“A development corporation established under Part III of the Strategic Investment and Regeneration of Sites (Northern Ireland) Order 2003”.

Interpretation: “financial year” and “member”

24.—(1) If the period beginning with the day on which a development corporation is established and ending with the next 31st March is 6 months or more, the first financial year of the corporation is that period.

(2) Otherwise the first financial year of the corporation is the period beginning with the day on which the corporation is established and ending with the second following 31st March.

(3) In this Schedule “member” means a member of a development corporation.

SCHEDULE 2

Articles 12 and 20

ACQUISITION OF LAND

PART I

ACQUISITION BY THE OFFICE

Compulsory acquisition: vesting orders

1.—(1) Where the Office proposes to acquire land compulsorily it may make an order (a “vesting order”) vesting the land in the Office.

(2) The power to make a vesting order in respect of any land by virtue of this paragraph includes power to create and vest in the Office new rights over the land as well as to vest existing rights.

(3) The [Planning Blight \(Compensation\) \(Northern Ireland\) Order 1981 \(NI 16\)](#) shall apply to land which the Office has resolved to acquire under this paragraph as it applies to land specified in Article 3(1) of that Order.

Compulsory acquisition: procedure, etc.

2.—(1) Schedule 6 to the Local Government Act (Northern Ireland) 1972 (c. 9) shall apply for the purposes of the acquisition of land by means of a vesting order made under paragraph 1 in the same manner as it applies to the acquisition of land by means of a vesting order made under that Act, subject to the following modifications –

- (a) for any reference to the Department or the council there shall be substituted a reference to the Office;
- (b) for any reference to that Act there shall be substituted a reference to this Order;
- (c) paragraph 1 shall be omitted;
- (d) in paragraph 2 –
 - (i) for the words “Notice of the application” there shall be substituted “Notice of the Office’s intention to acquire the land compulsorily”;
 - (ii) the words “in such form and manner as the Ministry directs” shall be omitted;
 - (iii) in sub-paragraph (c) for the words “as may be prescribed” there shall be substituted “as the Department considers fit”;
- (e) in paragraph 3(1)(b) after the word “held” there shall be inserted the words “by the planning appeals commission or by any other person”;
- (f) in paragraph 4 the words from “and may provide” onwards shall be omitted;
- (g) in paragraph 5 –
 - (i) in sub-paragraph (1)(a) the words “in the prescribed form and manner” shall be omitted;
 - (ii) in sub-paragraph (1)(d) the words “in the prescribed form” shall be omitted;
 - (iii) in sub-paragraph (2) for the words “as may be prescribed” there shall be substituted “as the Office thinks fit”;
- (h) in paragraph 6(2) for the words from “fund out of which the expenses of the council in acquiring the land are to be defrayed” there shall be substituted “Consolidated Fund” and for the words “out of the compensation fund” there shall be substituted “made by the Office”;
- (i) in paragraph 11(3) the words “in the prescribed form” shall be omitted;
- (j) in paragraph 12 –
 - (i) in sub-paragraph (1) the words “such” and “as may be prescribed” shall be omitted;
 - (ii) in sub-paragraph (2) for the words from “clerk” to “directs” substitute “Department as correct, and publish”;
- (k) in paragraph 14(1) the words “in the prescribed form” shall be omitted;
- (l) in paragraph 15(1) for the words “in the prescribed form” there shall be substituted “in such form as may be approved by the Department”;
- (m) paragraphs 19 and 20(2) shall be omitted.

PART II

ACQUISITION BY A DEVELOPMENT CORPORATION

Compulsory acquisition: vesting orders

3.—(1) Where a development corporation proposes to acquire land compulsorily it may apply to the Office for an order (a “vesting order”) vesting the land in the corporation and the Office shall have power to make a vesting order.

(2) The power to make a vesting order in respect of any land by virtue of this paragraph includes power to create and vest in the corporation new rights over the land as well as to vest existing rights.

(3) The [Planning Blight \(Compensation\) \(Northern Ireland\) Order 1981 \(NI 16\)](#) shall apply to land which a corporation has resolved to acquire under this paragraph as it applies to land specified in Article 3(1) of that Order.

Compulsory acquisition: procedure, etc.

4.—(1) Schedule 6 to the Local Government Act (Northern Ireland) 1972 (c. 9) shall apply for the purposes of the acquisition of land by means of a vesting order made under paragraph 3 in the same manner as it applies to the acquisition of land by means of a vesting order made under that Act, subject to the following modifications –

- (a) for any reference to the council there shall be substituted a reference to the development corporation;
- (b) for any reference to the Department concerned there shall be substituted a reference to the Office;
- (c) for any reference to that Act there shall be substituted a reference to this Order;
- (d) in paragraph 6(2) for the words from “the fund” onwards there shall be substituted “funds of the development corporation (in this Schedule referred to as “the compensation fund”), and shall be discharged by payments made by that corporation”; and
- (e) in paragraph 12(2) for “the clerk of the council” there shall be substituted “such person as may be designated for the purposes of this Schedule by the development corporation”; and
- (f) paragraphs 19 and 20(2) shall be omitted.

PART III

ACQUISITION OF LAND: GENERAL PROVISIONS

Compulsory acquisition: land belonging to statutory bodies and inalienable land

5. The power to make a vesting order under this Schedule in respect of land –
- (a) which is the property of any statutory body which has power under any statutory provision to acquire land compulsorily; or
 - (b) which is declared by or under any statutory provision to be inalienable,

shall not, where representations objecting to the proposal for making the order have been duly made by the owner of the land and have not been withdrawn, be exercised in relation to that land unless the proposal for making the order has been approved by a resolution of the Assembly.

Compulsory acquisition: land of industrial undertakings

6.—(1) Nothing in this Schedule shall authorise the acquisition of any land of an industrial undertaking to which this paragraph applies which is in use for the purposes of that undertaking.

(2) This paragraph applies to an undertaking which provides employment which is substantial having regard to the extent of the land used for its purposes and the nature of the undertaking.

Compulsory acquisition: land containing historic monuments or archaeological object

7.—(1) Nothing in this Schedule shall authorise the acquisition, without the consent of the Department of the Environment, of any land on or in which there is, to the knowledge of the Office, any historic monument or archaeological object.

(2) In this paragraph “historic monument” and “archaeological object” have the same meanings as in the [Historic Monuments and Archaeological Objects \(Northern Ireland\) Order 1995 \(NI 9\)](#).

Acquisition of land: powers of entry

8.—(1) Subject to this paragraph, a person authorised in writing by the Office may, on production if required of his authority, at any reasonable time enter any land –

- (a) for the purpose of surveying or examining the land in order to ascertain whether it ought to be acquired by the Office under Article 12; or
- (b) in connection with any claim for compensation in respect of any such acquisition.

(2) Subject to this paragraph, a person authorised in writing by a development corporation may, on production if required of his authority, at any reasonable time enter any land –

- (a) for the purpose of surveying or examining the land in order to ascertain whether it ought to be acquired by the corporation under Article 20; or
- (b) in connection with any claim for compensation in respect of any such acquisition.

(3) No person shall be entitled to exercise a power of entry conferred by this paragraph in relation to any land unless he has given at least 24 hours' notice of the intended entry to the occupier of the land or such lesser period of notice as may be agreed between him and the occupier.

(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 paragraph, 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 paragraph 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 paragraph or by virtue of a warrant issued under this paragraph –

- (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.

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

(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 paragraph or by virtue of a warrant issued under this paragraph shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) Where in the exercise of the power conferred by this paragraph or in executing any warrant under this paragraph, 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 Office or (as the case may be) the development corporation.

(9) Any question of disputed compensation under this paragraph shall be referred to and determined by the Lands Tribunal.

(10) Any power conferred by this paragraph 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.