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SCHEDULES

SCHEDULE 3

Section 5

AMENDMENTS

The Industrial Development (Northern Ireland) Order 1982 (NI 15)

1. In Article 2(2) omit the definitions of “the Board” and “the Executive” and at the appropriate places in alphabetical order insert—
 - ““the Department” means the Department of Enterprise, Trade and Investment;”
 - and
 - ““INI” means Invest Northern Ireland;”.
2. Omit Article 2(3) and (4).
3. Omit Part II.
4. In Articles 7, 8, 9, 10, 11 and 13 for “the Department” in each place (except in the expression “the Department of Finance and Personnel”) substitute “INI”.
5. In Articles 7(1), (8) and (9) omit “, in accordance with arrangements approved by the Department of Finance and Personnel.”.
6. In Articles 8(1) and 9 omit “, in accordance with arrangements approved by the Department of Finance and Personnel”.
7. In Article 10—
 - (a) for paragraph (3) substitute—

“(3) Schedule 2 applies in relation to the acquisition of land otherwise than by agreement under paragraph (1).”;
 - (b) omit paragraph (4);
 - (c) in paragraph (6) omit “, in accordance with arrangements approved by the Department of Finance and Personnel and”;
 - (d) omit paragraph (7).
8. In Article 13(1) omit “in accordance with arrangements approved by the Department of Finance and Personnel”.
9. In Article 14(1)—
 - (a) after “authorised) by” insert “INI or”; and
 - (b) in sub-paragraph (i) for “the Department” substitute “INI”; and

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- (c) in sub-paragraph (ii) after “appears to” insert “INI or”.
10. In Article 14(4) after “may be recovered from” insert “INI or (as the case may be)”.
11. Omit Article 30(1)(a).
12. Omit Article 33.
13. In Article 34—
- (a) omit paragraphs (2) and (3);
 - (b) in paragraph (5) after “made under Part III” insert “by that department”;
 - (c) omit paragraphs (6) and (7).
14. Omit Schedule 1.
15. For Schedule 2 substitute—

“SCHEDULE 2

COMPULSORY ACQUISITION OF LAND BY INI

1.—(1) Where INI proposes to acquire, otherwise than by agreement, any land required for the purposes referred to in Article 10(1), it may apply to the Department for an order (“a vesting order”) vesting that land in INI and the Department shall have power to make a vesting order.

(2) The power of acquiring land compulsorily under this Schedule includes power to acquire, by the creation of a new right, an easement or other right over land.

2.—(1) The power to make a vesting order under paragraph 1 in respect of land—

- (a) which is the property of any public 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.

(2) In this paragraph “public body” means a body established by or under any statutory provision.

3.—(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.

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(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.

4.—(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 Department, 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 \(NI 9\)](#).

5. 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 council there shall be substituted a reference to INI;
- (b) for any reference to the Department concerned there shall be substituted a reference to the Department;
- (c) for any reference to that Act there shall be substituted a reference to this Act;
- (d) in paragraph 6(2) for the words from “the fund” onwards there shall be substituted “funds of INI (in this Schedule referred to as “the compensation fund”)", and shall be discharged by payments made by INI”; 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 INI”.

The Energy Efficiency (Northern Ireland) Order 1999 (NI 3)

16. In Article 3(1) for “the Department of Economic Development” substitute “Invest Northern Ireland”.

17. In Article 3(2) for “that Department” substitute “Invest Northern Ireland”.

18. In Article 7 after paragraph (2) add—

- “(3) Grants or loans made by Invest Northern Ireland under this Order—
- (a) shall be of such amounts; and
 - (b) shall be made on such terms and conditions (including, in the case of grants, conditions as to repayment),

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as Invest Northern Ireland may determine.”.