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STATUTORY INSTRUMENTS

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1981 No. 607 (N.I. 15)

NORTHERN IRELAND

**The Enterprize Zones (Northern Ireland) Order 1981**

*Laid before Parliament in draft*

*Made* 13th April 1981

*Coming into Operation* 14th May 1981

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At the Court at Windsor Castle, the 13th day of April 1981

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

## PART I

### INTRODUCTORY

#### *Title and commencement*

1.—(1) This Order may be cited as the Enterprise Zones (Northern Ireland) Order 1981.

(2) This Order shall come into operation on the expiration of one month from the day on which it is made.

#### *Interpretation*

2.—(1) The Interpretation Act (Northern Ireland) 1954 (b) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order “the Department” means the Department of the Environment.

(3) Any expression used in Part III and in the Planning (Northern Ireland) Order 1972 (c) has the same meaning in that Part as in that Order.

## PART II

### ENTERPRISE ZONES

#### *Designation of enterprise zones*

#### *Preparation and publication of scheme*

3.—(1) The Department may, with a view to the designation as an enterprise zone of any area in Northern Ireland, prepare a scheme relating to the development of that area.

(2) Before preparing a scheme under this Article relating to an area, the Department shall consult the district council within whose district that area falls.

(a) 1974 c. 28.      (b) 1954 c. 33 (N.I.)      (c) S.I. 1972/1634 (N.I. 17).

(3) After preparing a scheme under this Article, the Department shall take such steps as will in its opinion secure—

- (a) that adequate publicity is given to the provisions of the scheme;
- (b) that persons are made aware that, if the Department makes an order designating the area to which the scheme relates as an enterprise zone, the order will have effect to grant planning permission in accordance with the scheme;
- (c) that persons who may be expected to want to make representations to the Department on the grounds that all or part of the development specified in the scheme should not be granted planning permission in accordance with the terms of the scheme are made aware that they are entitled to do so;
- (d) that such persons are given an adequate opportunity of making such representations within a period specified by the Department.

#### *Adoption of scheme*

4.—(1) After the expiry of the period specified under Article 3 (3) (d) or, if any such representations as are mentioned in Article 3 (3) (c) have been made within that period, after considering them, the Department may adopt the scheme.

(2) The scheme adopted may be the scheme prepared under Article 3 or that scheme as modified to take account of any such representations or any matter arising out of the representations.

#### *Publicity of adoption of scheme*

5.—(1) As soon as practicable after adopting a scheme under Article 4, the Department shall publish a notice in accordance with paragraphs (2) and (3).

(2) The notice shall contain—

- (a) a statement that the scheme has been adopted;
- (b) a statement that a copy of the scheme can be inspected without payment; and
- (c) a statement of the address where and times when it can be inspected.

(3) The notice shall be published—

- (a) in the Belfast Gazette; and
- (b) on at least two occasions, in a newspaper circulating in the area to which the scheme relates.

(4) Any member of the public may inspect a copy of the scheme, and make copies of or extracts from it, at any reasonable time without payment; and the Department shall make available copies of the scheme, at a reasonable cost, to any member of the public.

#### *Questioning validity of scheme*

6.—(1) If a person is aggrieved by a scheme adopted by the Department under Article 4 and he wishes to question its validity on the ground that it is not within the powers conferred by this Order, or that any requirement of this Order

has not been complied with, he may within the period of one month commencing with the first publication (whether in the Belfast Gazette or otherwise) under Article 5 (3) make an application under this Article to the High Court.

(2) On such an application the High Court, if satisfied—

(a) that the scheme is wholly or to any extent outside the powers conferred by this Order, or

(b) that the interests of the applicant would be substantially prejudiced by the failure to comply with any requirement of this Order if an order were made under Article 7 designating the area to which the scheme relates as an enterprise zone,

may order that the Department shall not make an order under Article 7 designating the area as an enterprise zone in pursuance of the scheme, but (in a case where sub-paragraph (b) applies) may further order that if steps are taken to comply with the requirement concerned an order may be made designating the area.

(3) No order made by the High Court under paragraph (2) prejudices the making of an order under Article 7 designating the area as an enterprise zone in pursuance of another scheme (so long as this Order is complied with).

(4) Except as provided by this Article, the validity of a scheme adopted under Article 4 shall not be questioned in any legal proceedings whatsoever.

*Designation of enterprise zone by order*

7.—(1) Where the Department adopts a scheme under Article 4, it may, with the consent of the Department of Finance, by order subject to negative resolution designate the area to which the scheme relates as an enterprise zone.

(2) No order may be made until—

(a) the expiry of the period of one month commencing with the first publication (whether in the Belfast Gazette or otherwise) under Article 5 (3), or

(b) if an application in relation to the scheme is made under Article 6 (1), the time at which any proceedings arising out of the application are disposed of,

whichever is the later.

(3) The order shall—

(a) specify the date of the designation taking effect (hereinafter referred to as “the effective date”);

(b) specify the period for which the area is to remain an enterprise zone;

(c) define the boundaries of the zone by means of a map or plan.

(4) The power to amend orders conferred by section 17 (2) of the Interpretation Act (Northern Ireland) 1954 does not include power to amend an order made under this Article.

(5) The power to revoke orders conferred by the said section 17 (2) does not include power to revoke an order made under this Article before the expiry of the period mentioned in paragraph (3) (b).

(6) In the following provisions of this Order references to a scheme are, in relation to an area designated as an enterprise zone under this Article, to the scheme adopted for the area under Article 4 (1).

*Publicity of designation of enterprise zone*

**8.—(1)** As soon as practicable after the making of an order under Article 7, the Department shall publish a notice in accordance with paragraphs (2) and (3).

(2) The notice shall contain—

(a) a statement that the order has been made and will have effect to make the area an enterprise zone;

(b) a statement that a copy of the scheme can be inspected without payment and a statement of the address where and times when it can be inspected.

(3) The notice shall be published—

(a) in the Belfast Gazette; and

(b) on at least two occasions, in a newspaper circulating in the area to which the scheme relates.

*Right of entry*

**9.—(1)** Any person duly authorised in writing by the Department may at any reasonable time enter any land for the purpose of surveying the land in connection with the preparation or adoption of a scheme under this Order.

(2) Articles 101 (6) and 102 of the Planning (Northern Ireland) Order 1972 (giving notice, compensation for damage, etc.) shall apply in relation to paragraph (1) as they apply in relation to Article 101 of that Order.

*Modification of scheme and order*

*Modifications of scheme*

**10.—(1)** The Department may prepare modifications to a scheme.

(2) Articles 3 (2) and (3) (a), (c) and (d), 4, 5 and 9 shall apply in relation to modifications to a scheme as they apply in relation to a scheme.

(3) The power to modify a scheme under this Article includes power wholly to replace a scheme.

(4) In the following provisions of this Order references to a modified scheme are references to a scheme modified under this Article.

*Questioning validity of modifications to a scheme*

**11.—(1)** If a person is aggrieved by modifications adopted by the Department under Article 4 (as applied by Article 10 (2)) and he wishes to question their validity on the ground that they are not within the powers conferred by this Order, or that any requirement of this Order has not been complied with, he may within the period of one month commencing with the first publication (whether in the Belfast Gazette or otherwise) under Article 5 (3) (as so applied) make an application under this Article to the High Court.

(2) On such an application the High Court, if satisfied—

(a) that the modifications are wholly or to any extent outside the powers conferred by this Order, or

(b) that the interests of the applicant would be substantially prejudiced by the failure to comply with any requirement of this Order if the modifications took effect,

may order that the Department shall not publish a notice under Article 12 bringing the modifications into effect, but (in a case where sub-paragraph (b) applies) may further order that if steps are taken to comply with the requirement concerned a notice may be published bringing the modifications into effect.

(3) Except as provided by this Article, the validity of modifications adopted under Article 4 (as applied by Article 10 (2)) shall not be questioned in any legal proceedings whatsoever.

*Date of modifications taking effect*

12.—(1) Where the Department adopts modifications to a scheme, it shall publish a notice in accordance with paragraphs (2) and (3), stating the date of the modifications taking effect (hereinafter referred to as “the effective date of modification”).

(2) The notice may not be published until—

- (a) the expiry of the period of one month commencing with the first publication (whether in the Belfast Gazette or otherwise) under Article 5 (3) (as applied by Article 10 (2)), or
- (b) if an application in relation to modifications to the scheme is made under Article 11 (1), the time at which any proceedings arising out of the application are disposed of,

whichever is the later.

(3) The notice shall be published—

- (a) in the Belfast Gazette; and
- (b) on at least two occasions, in a newspaper circulating in the enterprise zone.

*Modification of order under Article 7*

13.—(1) The Department, with the consent of the Department of Finance, may by order subject to negative resolution modify any order made under Article 7 by extending the period for which the area is to remain an enterprise zone.

(2) The power to amend orders conferred by section 17 (2) of the Interpretation Act (Northern Ireland) 1954 does not include power to amend an order made under this Article.

(3) The power to revoke orders conferred by the said section 17 (2) does not include power to revoke an order made under this Article before the expiry of the extended period.

PART III

PLANNING IN ENTERPRISE ZONES

*Grant of planning permission in enterprise zones*

14.—(1) An order designating an enterprise zone under this Order shall (without more) have effect on the effective date to grant planning permission for development specified in the scheme or for development of any class so specified.

(2) The adoption of a modified scheme under Article 4 (as applied by Article 10 (2)) shall (without more) have effect on the effective date of modification to

grant planning permission for development specified in the modified scheme or for development of any class so specified.

(3) Planning permission granted by virtue of this Article shall be subject to such conditions or limitations as may be specified in the scheme or modified scheme or (if none are specified) unconditional.

(4) Where planning permission is so granted for any development or class of development, the Department may direct that the permission shall not apply in relation to—

- (a) a specified development; or
- (b) a specified class of development; or
- (c) a specified class of development in a specified area within the enterprise zone.

(5) If the scheme or the modified scheme specifies matters, in relation to any development it permits, which will require approval by the Department, the permission shall have effect accordingly.

(6) The Department may by regulations made subject to negative resolution make provision—

- (a) as to the procedure for giving a direction under paragraph (4);
  - (b) as to the method and procedure relating to the approval of matters specified in a scheme or modified scheme as mentioned in paragraph (5),
- and such regulations may modify any provision of the Planning (Northern Ireland) Orders 1972 and 1978.

(7) Notwithstanding paragraphs (1) to (6), planning permission may be granted under the Planning (Northern Ireland) Orders 1972 and 1978 in relation to land in an enterprise zone (whether the permission is granted in pursuance of an application made under Part IV of the Planning (Northern Ireland) Order 1972 or by a development order).

(8) Nothing in this Part prejudices the right of any person to carry out development apart from this Part.

*Consequential amendments of Planning (Northern Ireland) Order 1972*

15.—(1) In consequence of Article 14, the Planning (Northern Ireland) Order 1972 shall have effect subject to the amendments specified in the following provisions of this Article.

(2) In Article 2 (2) (interpretation) at the appropriate place in alphabetical order there shall be inserted the following definition—

““enterprise zone scheme” means a scheme or modified scheme having effect to grant planning permission by virtue of Part III of the Enterprise Zones (Northern Ireland) Order 1981;”.

(3) In Article 9 (incorporation in development plans of certain proposals) after paragraph (d) there shall be inserted the words “or where an enterprise zone scheme has effect”.

(4) In Article 25 (3) (exceptions to provisions about limit of duration of planning permission) after sub-paragraph (b) there shall be inserted the following sub-paragraph—

“(bb) to any planning permission granted by an enterprise zone scheme;”.

(5) In Article 30 (b) (application to determine whether planning permission required, having regard to development order) after the words “development order” there shall be inserted the words “and any enterprise zone scheme”.

#### *Modification and termination of schemes*

16.—(1) Nothing in a modified scheme shall prevent the carrying on of development started before the effective date of modification in accordance with the scheme as it had effect before that date.

(2) Where an area ceases to be an enterprise zone the scheme does not authorise the carrying out of development after the date when the area so ceases, even if the development started to be carried out before that date in accordance with the scheme.

### PART IV

#### RATING IN ENTERPRISE ZONES

##### *Exemption from rates of certain hereditaments in enterprise zones*

17. In Article 42 of the Rates (Northern Ireland) Order 1977 (a) (distinguishment in valuation list of certain hereditaments wholly exempt from rates) after paragraph (1) there shall be added the following paragraphs—

“(1A) Subject to paragraph (1B), there shall be distinguished in the valuation list as wholly exempt from rates any hereditament which—

(a) is situated in an area for the time being designated as an enterprise zone under the Enterprise Zones (Northern Ireland) Order 1981; and

(b) is not—

(i) a dwelling-house, or a private garage or private storage premises (within the meaning of Article 27);

(ii) occupied by a body specified in Schedule 13; or

(iii) occupied for the purposes of a public utility undertaking.

(1B) A hereditament which, though not a dwelling-house, is used partly for the purposes of a private dwelling shall be distinguished under paragraph (1A) only to the extent to which it is used for other purposes.”.

##### *Increase in derating element of General Grant to district councils*

18. In Part II of Schedule 1 to the Local Government & c. (Northern Ireland) Order 1972 (b) (calculation of derating element of General Grant to district councils by reference to amount which but for Article 42 (1) of, and paragraphs 4 and 5 of Schedule 7 to, the Rates (Northern Ireland) Order 1977, would have been the amount of the product of the district rate) in paragraph (b) for the words “Article 42 (1)” there shall be substituted the words “Article 42”.

*N. E. Leigh,*

Clerk of the Privy Council.

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(a) S.I. 1977/2157 (N.I. 28).      (b) S.I. 1972/1999 (N.I. 22).



## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

Part II of this Order provides for the designation by the Department of the Environment of certain areas as enterprise zones to which schemes prepared by the Department relating to the development of the area will apply. Part III makes special provision for the granting of planning permission in such enterprise zones. Part IV exempts from rates certain hereditaments situated in enterprise zones and provides for the increase of the derating element of the General Grant payable to district councils to compensate them for loss of revenue in consequence of such exemptions.





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