

## STATUTORY INSTRUMENTS

# 1989 No. 490 (N.I. 2)

## The Laganside Development (Northern Ireland) Order 1989 <sup>F1</sup>

15th March 1989

**F1** functions transf. by SR 1999/481

### PART I **N.I.** INTRODUCTORY

#### Title and commencement **N.I.**

- 1.—(1) This Order may be cited as the Laganside Development (Northern Ireland) Order 1989.  
(2) This Order shall come into operation on the expiration of two months from the day on which it is made.

#### Interpretation **N.I.**

2.—(1) The Interpretation Act (Northern Ireland) 1954<sup>F2</sup> 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—

<sup>F3</sup> .....

[<sup>F4</sup>“the Department” means the Department for Social Development;]

“the designated area” has the meaning assigned to it by Article 3(1);

“the river” means such part of the River Lagan and its tributaries as is situated within the designated area;

“statutory provision” has the meaning assigned to it by section 1(*f*) of the Interpretation Act (Northern Ireland) 1954.

**F2** 1954 c. 33 (NI)

**F3** Art. 2(2): definition of "the Corporation" repealed (1.7.2007) by [Laganside Corporation Dissolution Order \(Northern Ireland\) 2006 \(S.R. 2006/527\)](#), arts. 1(3)(c)(i), 5(2), **Sch. 2 Pt. 2 para. 1(1)**

**F4** Art. 2(2): definition of "the Department" substituted (1.4.2007) by [Laganside Corporation Dissolution Order \(Northern Ireland\) 2006 \(S.R. 2006/527\)](#), arts. 1(2), 5(1), **Sch.2 Pt. 1 para. 1(2)**

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**The designated area** **N.I.**

3.—(1) In this Order “the designated area” means such area of land as the Department may by order designate for the purposes of this Order.

(2) The Department may by order alter the area of land for the time being designated by an order under paragraph (1) or this paragraph.

(3) <sup>F5</sup> .....

(4) Where the effect of an order under paragraph (2) is that any area of land ceases to be within the designated area, the order may contain such transitional provisions relating to that land as appear to the Department to be appropriate. <sup>F6</sup> . . .

(5) An order under paragraph (1) or (2)—

- (a) shall define the boundaries of the designated area by means of a map or plan; and
- (b) may designate separate parcels of land as one area.

<p><b>F5</b> Art. 3(3) repealed (1.4.2007) by <a href="#">Lagside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527)</a>, arts. 1(2), 5(2), {Sch. 2 Pt. 2 para. 1 (2)(a)}</p> <p><b>F6</b> Words in art. 3(4) repealed (1.4.2007) by <a href="#">Lagside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527)</a>, arts. 1(2), 5(2), <b>Sch. 2 Pt. 2 para. 1(2)(b)</b></p>
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**PART II** **N.I.**

**THE LAGANSIDE CORPORATION**

*Constitution of the Corporation*

**The Lagside Corporation** **N.I.**

4. <sup>F7</sup> .....

<p><b>F7</b> Art. 4 repealed (1.7.2007) by <a href="#">Lagside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527)</a>, arts. 1(3)(c)(ii), 5(2), <b>Sch. 2 Pt. 2 para. 1(3)</b></p>
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*Financial provisions*

**Financial duties of the Corporation** **N.I.**

5. <sup>F8</sup> .....

<p><b>F8</b> Art. 5 repealed (1.4.2007) by <a href="#">Lagside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527)</a>, arts. 1(2), 5(2), <b>Sch. 2 Pt. 2 para. 1(3)</b></p>
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**Grants to the Corporation by Department** **N.I.**

6. <sup>F9</sup> .....

**F9** Art. 6 repealed (1.7.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(3)(c)(ii), 5(2), **Sch. 2 Pt. 2 para. 1(3)**

**Borrowing by the Corporation** **N.I.**

7. <sup>F10</sup> .....

**F10** Art. 7 repealed (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(2), **Sch. 2 Pt. 2 para. 1(3)**

**Payment by the Corporation of surplus funds to Department** **N.I.**

8. <sup>F11</sup> .....

**F11** Art. 8 repealed (1.7.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(3)(c)(ii), 5(2), **Sch. 2 Pt. 2 para. 1(3)**

*Power to dissolve the Corporation*

**Power to dissolve the Corporation** **N.I.**

9.—(1) The Department may by order made subject to affirmative resolution make provision for, and in connection with, the dissolution of the Corporation.

(2) An order under this Article may—

- (a) provide for the transfer of the functions, assets and liabilities of the Corporation to any other body or person;
- (b) contain such incidental, consequential, transitional or supplementary provisions (including the amendment or repeal of any statutory provision (including this Order)) as appear to the Department to be necessary or expedient for giving full effect to the provisions of the order.

**PART III** **N.I.**

**OBJECT AND POWERS OF THE CORPORATION**

*Object and general powers of the Corporation*

**Object and general powers of the Corporation** **N.I.**

10.—<sup>F12</sup>(1) The object of the Department under this Order shall be to secure the regeneration of the designated area.]

(2) The object is to be achieved in particular by the following means—

- (a) by bringing land and buildings into effective use;
- (b) by encouraging public and private investment and the development of existing and new industry and commerce;
- (c) by creating an attractive environment; and

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(d) by ensuring that housing, social, recreational and cultural facilities are available to encourage people to live and work in the area.

(3) <sup>F13</sup> . . . , for the purpose of achieving the object the [<sup>F14</sup>Department] may—

- (a) acquire, hold, manage, reclaim and dispose of land and other property;
- (b) carry out building and other operations;
- (c) carry on any business or undertaking for the purposes of the object; and
- (d) generally do anything necessary or expedient for the purposes of the object or for purposes incidental to those purposes.

(4) No provision of this Order by virtue of which any power is exercisable by the [<sup>F15</sup>Department] shall be construed as limiting the effect of paragraph (3).

(5) <sup>F16</sup> . . . . .

(6) A transaction between a person and the [<sup>F17</sup>Department] shall not be invalidated by reason of any failure by the [<sup>F17</sup>Department] to observe the object in paragraph (1) or the requirement in paragraph (3) that the [<sup>F17</sup>Department] shall exercise the powers conferred by that paragraph for the purpose of achieving that object.

<b>F12</b>	Art. 10(1) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), <b>Sch. 2 Pt. 1 para. 1(3)</b>
<b>F13</b>	Words in art. 10(3) repealed (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(2), <b>Sch. 2 Pt. 2 para. 1(4)(a)</b>
<b>F14</b>	Word in art. 10(3) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), <b>Sch. 2 Pt. 1 para. 1(1)(a)</b>
<b>F15</b>	Word in art. 10(4) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), <b>Sch. 2 Pt. 1 para. 1(1)(a)</b>
<b>F16</b>	Art. 10(5) repealed (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(2), <b>Sch. 2 Pt. 2 para. 1(4)(b)</b>
<b>F17</b>	Word in art. 10(6) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), <b>Sch. 2 Pt. 1 para. 1(1)(a)</b>

**Directions to the Corporation by Department N.I.**

11. <sup>F18</sup> . . . . .

<b>F18</b>	Art. 11 repealed (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(2), <b>Sch. 2 Pt. 2 para. 1(5)</b>
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*Miscellaneous powers*

**Power to provide financial assistance N.I.**

12.—(1) [<sup>F19</sup>The Department may], provide financial assistance for any body or person doing or intending to do in the designated area 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) any thing not falling within sub#paragraphs ( a ) to ( e ) which the [<sup>F20</sup>Department] considers will benefit the designated area.
- (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) Article 4 of the Social Need (Northern Ireland) Order 1986<sup>F21</sup> shall apply to financial assistance under this Article as it applies to financial assistance under Article 3 of that Order,<sup>F22</sup> . . .

**F19** Words in art. 12(1) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), Sch. 2 Pt. 1 para. 1(4)

**F20** Word in art. 12(2) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), Sch. 2 Pt. 1 para. 1(1)(b)

**F21** 1986 NI 14

**F22** Words in art. 12(4) repealed (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(2), Sch. 2 Pt. 2 para. 1(6)

### Agreements for development of land **N.I.**

13. The [<sup>F23</sup>Department] may—
- (a) enter into an agreement with any person to develop any land in the designated area, whether or not the [<sup>F24</sup>Department] has any estate in that land; and
  - (b) do anything which is required in order to develop that land in accordance with such agreement.

**F23** Word in art. 13 substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), Sch. 2 Pt. 1 para. 1(1)(c)

**F24** Word in art. 13(a) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), Sch. 2 Pt. 1 para. 1(1)(c)

### Agency agreements with Departments and other public bodies for execution of works **N.I.**

- 14.—(1) Where under any statutory provision powers are conferred on a relevant body to execute any works (of whatever kind and for whatever purpose)—
- (a) that body and the [<sup>F25</sup>Department] may enter into an agreement that the powers shall, to such extent and subject to such conditions as the agreement may specify, be exercised in the designated area by the [<sup>F25</sup>Department] on behalf of that body; and
  - (b) the [<sup>F26</sup>Department] shall have power to execute those works in that area and otherwise to carry any such agreement into effect.
- (2) Nothing in any agreement under paragraph (1) shall authorise or empower a relevant body or the [<sup>F27</sup>Department] on behalf of that body to execute the works in question otherwise than in accordance with, and subject to, any statutory provision conferring, or relating to, the power

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to execute the works; and references to the relevant body in any such statutory provision shall for the purposes of the execution of any such works be construed as including references to the <sup>F27</sup>Department] .

- (3) <sup>F28</sup> .....
- (4) <sup>F28</sup> .....
- (5) <sup>F28</sup> .....
- (6) In this Article “relevant body” means—
  - (a) a Northern Ireland Department;
  - (b) the Northern Ireland Housing Executive;
  - (c) the Northern Ireland Railways Company Limited;
  - (d) the Belfast City Council;
  - (e) the Belfast Harbour Commissioners;
  - (f) any other body (being a body established under a statutory provision) specified for the purposes of this Article by an order made by the Department.

**F25** Word in art. 14(1)(a) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(1)(d)**

**F26** Word in art. 14(1)(b) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(1)(d)**

**F27** Word in art. 14(2) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(1)(d)**

**F28** Art. 14(3) - (5) repealed (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(2), **Sch. 2 Pt. 2 para. 1(7)**

<sup>F29</sup>**Studies, etc. for purposes of this Order** **N.I.**

15. The Department may carry out or give financial assistance towards the carrying out of such studies, investigations and research as the Department considers will further its object under this Order.]

**F29** Art. 15 substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(5)**

<sup>F30</sup>**Consultation with the Department of the Environment on planning matters** **N.I.**

16. Where under the Planning (Northern Ireland) Order 1991, the Department of the Environment is required to consult with the Belfast City Council about any matter relating to or affecting the designated area or land in that area, that department shall also consult with the Department about that matter.]

**F30** Art. 16 substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(5)**

*Powers in relation to the river*

**Power to execute works in relation to the river** **N.I.**

17.—(1) The [<sup>F31</sup>Department] may execute such works in, on, across, over, alongside or adjacent to the river as it considers appropriate for the purposes of—

- (a) improving the quality of water in the river;
- (b) improving the immediate environment of the river;
- (c) promoting the recreational use of the river;
- (d) facilitating access to the river; and

[<sup>F32</sup>(e) otherwise furthering the object of the Department under this Order.]

(2) Without prejudice to the generality of paragraph (1), the [<sup>F33</sup>Department] may—

- (a) construct embankments, quays and footpaths alongside, or adjacent to, the river;
- (b) dredge, reclaim land from, and alter or divert the channel of, the river;
- (c) operate, maintain, repair, alter, extend or remove any works executed under this Order and any existing works; and
- (d) provide such buildings, amenities, machinery, plant, apparatus and appliances as it considers appropriate in connection with any works executed under this Order and any existing works.

(3) In paragraph (2) “existing works” means works in, on, across, over, alongside or adjacent to the river which were executed at any time before the coming into operation of this Order and which, had this Order been in operation at that time, could have been executed by the [<sup>F34</sup>Department].

(4) Schedule 2 shall have effect in relation to works under this Article.

**F31** Word in art. 17(1) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(1)(e)**

**F32** Art. 17(1)(e) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(6)**

**F33** Word in art. 17(2) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(1)(e)**

**F34** Word in art. 17(3) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(1)(e)**

**[<sup>F35</sup>Construction of bridges, weirs, locks and barrages** **N.I.**

18.—(1) The Department may construct a bridge over, or weir, lock or barrage across, the river.

(2) Before executing any works under paragraph (1) the Department shall take into consideration the reasonable requirements of navigation on the river.

(3) Paragraphs 2, 3, 5 and 6 of Schedule 2 shall have effect in relation to works under this Article.

(4) The reference in this Article to a bridge includes a reference to a road, footway or railway over the bridge and to the approaches of any road, footway or railway to the bridge.]

**F35** Art. 18 substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(7)**

**[<sup>F36</sup>Byelaws as to use of river and certain adjacent land N.I.]**

- 19.—(1) The Department may make byelaws—
- (a) regulating the use of the river by vessels;
  - (b) requiring vessels using the river to be licensed for that purpose by the Department;
  - (c) regulating fishing in the river;
  - (d) requiring persons fishing in the river to obtain a permit for that purpose from the Department;
  - (e) regulating the grant, renewal and revocation of licences under sub-paragraph (b) and permits under sub-paragraph (d), the conditions subject to which such licences and permits are to be granted and prescribing the fees payable in respect of the grant or renewal of such licences or permits;
  - (f) regulating the construction, condition, safety and control of vessels which may use the river and the equipment to be carried on such vessels;
  - (g) regulating the movement of vessels, and the use of lights, on the river;
  - (h) for the levying by the Department of charges in respect of the use of the river or any service or facility provided by the Department on the river or on land adjacent to the river;
  - (i) for the removal by the Department of vessels or objects from the river in such circumstances as may be specified in the byelaws, the storage and disposal by the Department of vessels or objects so removed and the recovery by the Department of the costs of removal, storage and disposal;
  - (j) regulating the conduct of persons on the river or on land adjacent to the river vested in the Department;
  - (k) prohibiting the erection of any structure in the river or on land mentioned in sub-paragraph (j) without the consent of the Department;
  - (l) prohibiting the carrying on of any commercial activity on the river or on any land mentioned in sub-paragraph (j) without the consent of the Department;
  - (m) for such other purposes as appear to the Department to be appropriate in furthering its object under this Order.
- (2) Byelaws under this Article shall not apply in relation to—
- (a) any part of the river within the limits for the time being of the jurisdiction of the Belfast Harbour Commissioners under the Belfast Harbour Acts 1847 to 1967; or
  - (b) any land adjacent to any such part of the river.
- (3) The Department may authorise persons appointed or employed to enforce byelaws made under this Article to take any action necessary for that purpose.
- (4) The powers of a person authorised under paragraph (3) include power—
- (a) to board and inspect any vessel on the river; and
  - (b) to require any person suspected of contravening a byelaw to furnish his name and address to that authorised person.
- (5) Any person who contravenes a byelaw made under this Article shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale, and in the case of a continuing offence, a further fine not exceeding £2 per day for each day on which the offence continues after conviction.
- (6) Section 94 of the Public Health Acts Amendment Act 1907 (licensing powers of district council in relation to pleasure vessels and persons in charge thereof) shall not apply in relation to any vessel using the river.]



**F36** Art. 19 substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(7)**

*Powers in relation to land*

**Acquisition of land by the Corporation** **N.I.**

20.—(1) The<sup>F37</sup>Department] may acquire by agreement or compulsorily—

- (a) land in the designated area;
- (b) land adjacent to the designated area which the <sup>F38</sup>Department] requires for purposes connected with the discharge of the Corporation's functions in the designated area.

<sup>F39</sup>(2) Where the Department desires to acquire land compulsorily it may make an order (in this Article referred to as a “vesting order”) vesting the land in the Department.]

(3) Schedule 6 to the Local Government Act (Northern Ireland) 1972<sup>F40</sup> shall, subject to the modifications specified in Schedule 3, apply for the purposes of the acquisition of land by means of a vesting order made under this Article in the same manner as it applies to the acquisition of land by means of a vesting order made under that Act.

(4) The power to make a vesting order in respect of any land by virtue of this Article includes power to create and vest in the <sup>F41</sup>Department] new rights over the land as well as to vest existing rights.

(5) The Planning Blight (Compensation) (Northern Ireland) Order 1981<sup>F42</sup> shall apply to land which the <sup>F43</sup>Department] has resolved to acquire under this Article as it applies to land specified in Article 3(1) of that Order.

<sup>F44</sup>(6) The Department may make an order extinguishing or modifying any public right of way over land acquired by it under this Article; and Articles 103 and 104 of the Planning (Northern Ireland) Order 1991 (“the 1991 Order”) shall apply to an order under this paragraph as they apply to an order made by the Department under Article 102 of the 1991 Order.]

**F37** Word in art. 20(1) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(1)(f)**

**F38** Word in art. 20(1)(b) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(1)(f)**

**F39** Art. 20(2) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(8)(a)**

**F40** 1972 c. 9 (NI)

**F41** Word in art. 20(4) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(1)(f)**

**F42** 1981 NI 16

**F43** Word in art. 20(5) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(1)(f)**

**F44** Art. 20(6) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(8)(b)**

**Power to enter land** **N.I.**

21.—(1) Subject to this Article, a person authorised in writing by the <sup>F45</sup>Department] may, on production if required of his authority, at any reasonable time enter any land for the purpose of—

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- (a) surveying or examining the land in order to ascertain the suitability of the land for the execution of works or whether it ought to be acquired by the [<sup>F46</sup>Department] under Article 20;
  - (b) executing any works authorised or required by this Order to be executed by the [<sup>F47</sup>Department] ;
  - (c) inspecting, repairing, altering, renewing or removing any works executed under this Order in or on the land;
  - (d) ascertaining whether or not circumstances exist which would authorise the [<sup>F48</sup>Department] to take any action or execute any works under this Order; or
  - (e) taking any other action authorised or required by this Order to be taken by the [<sup>F49</sup>Department] .
- (2) No person shall be entitled to exercise the power of entry conferred by paragraph (1) in relation to any land unless the [<sup>F50</sup>Department] has given—
- (a) where entry is required solely for the purpose of examination, at least 24 hours' notice of the intended entry to the occupier of the land; or
  - (b) where entry is sought for any other purpose, at least 6 days' notice of the intended entry to the occupier and to the owner if the owner is known,
- or, in either case, such lesser period of notice as may be agreed between the [<sup>F50</sup>Department] and the occupier or owner.
- (3) Where notice of intended entry for a particular purpose has been given as respects the first occasion on which the right of entry is exercised, no further notice shall be required before entering on the land on a subsequent occasion in connection with that purpose.
- (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 Article, 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 Article 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 Article or by virtue of a warrant issued under this Article—
- (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.
- (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 Article or by virtue of a warrant issued under this Article shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) Where works have been carried out on land in pursuance of this Article, the [<sup>F51</sup>Department] shall reinstate the land as soon as possible.
- (9) Where—

- (a) in the exercise of the power conferred by this Article or in executing any warrant under paragraph (4), 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 <sup>F52</sup>Department] ;
- (b) in consequence of the exercise of any such power or the executing of any such warrant, any person is disturbed in his enjoyment of land or chattels, he may recover compensation in respect of that disturbance from the <sup>F53</sup>Department] .
- (10) Any question of disputed compensation under this Article shall be referred to and determined by the Lands Tribunal.
- (11) Any power conferred by this Article 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.

- F45** Word in art. 21(1) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(1)(g)**
- F46** Word in art. 21(1)(a) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(1)(g)**
- F47** Word in art. 21(1)(b) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(1)(g)**
- F48** Word in art. 21(1)(d) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(1)(g)**
- F49** Word in art. 21(1)(e) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(1)(g)**
- F50** Word in art. 21(2) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(1)(g)**
- F51** Word in art. 21(8) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(1)(g)**
- F52** Word in art. 21(9)(a) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(1)(g)**
- F53** Word in art. 21(9)(b) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(1)(g)**

### Information as to ownership of land **N.I.**

22.—(1) The <sup>F54</sup>Department] may, for the purpose of enabling it to carry out any of its functions under this Order, by notice in writing require the occupier of any land and any person who, either directly or indirectly, receives rent in respect of any land, to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest therein, whether as freeholder, mortgagee, lessee or otherwise.

(2) Any person required to give information in pursuance of this Article who without reasonable excuse fails to give, or knowingly mis#states, that information shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- F54** Word in art. 22(1) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(1)(h)**

### Disposal of land by Corporation **N.I.**

23.—(1) The <sup>F55</sup>Department] may dispose of any land acquired by it or vested in it to such persons, in such manner and subject to such covenants or conditions as it considers expedient for

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securing the regeneration of the designated area or for purposes connected with the regeneration of that area.

(2) The [<sup>F56</sup>Department] shall dispose of any land acquired by it so as to secure (so far as practicable) that persons who were living or carrying on business or other activities on that land shall, if they desire to obtain accommodation on land belonging to the [<sup>F56</sup>Department] and are willing to comply with any requirements of the [<sup>F56</sup>Department] as to its development and use, have an opportunity to obtain on it accommodation suitable to their reasonable requirements on terms settled with due regard to the price at which any such land has been acquired from them.

**F55** Word in art. 23(1) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(1)(i)**

**F56** Word in art. 23(2) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(1)(i)**

## PART IV **N.I.**

### MISCELLANEOUS AND SUPPLEMENTARY

#### *Miscellaneous*

#### **Limits of jurisdiction of Belfast Harbour Commissioners** **N.I.**

**24.**—(1) In the Belfast Harbour Acts 1847 to 1967 for any reference to the first weir across the River Lagan near Annadale in the County of Down in connection with the limits of the Port and Harbour of Belfast or of the jurisdiction of the Belfast Harbour Commissioners there shall be substituted a reference to the seaward extremity of the Queen Elizabeth bridge across the River Lagan.

(2) <sup>F57</sup> .....

**F57** Art. 24(2) repealed (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(2), **Sch. 2 Pt. 2 para. 1(8)**

#### **Exercise of other statutory powers in designated area** **N.I.**

**25.**—(1) The Department shall not—

- (a) provide financial assistance under Article 3 of the Social Need (Northern Ireland) Order 1986<sup>F58</sup> for anything which a body or person does or intends to do in the designated area;
- (b) exercise any of its powers under Article 5 or 6 of that Order in or in relation to the designated area.

(2) Nothing in paragraph (1) shall prevent the completion by the Department of any transaction, works or other thing which has been commenced by it before the coming into operation of this Order.

(3) Except as provided by paragraph (1) or by any agreement under Article 14(1), the powers conferred on the [<sup>F59</sup>Department] by this Order in relation to the designated area are in addition to, and not in derogation from, any powers exercisable by any other body or person in relation to that area by virtue of any other statutory provision.

**F58** 1986 NI 14

**F59** Word in art. 25(3) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(1)(j)**

### *Supplementary*

#### **Orders** **N.I.**

**26.** Orders made by the Department under this Order (except Articles 9(1) [<sup>F60</sup>, 20(2) and (6)]) shall be subject to negative resolution.

**F60** Words in art. 26 substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(9)**

#### **Repeal or amendment of private and local Acts** **N.I.**

**27.—**(1) Part II of the Belfast Corporation Act 1924<sup>F61</sup> is hereby repealed.

(2) The Department may by order—

- (a) repeal any local or private Act in so far as it appears to the Department to be inconsistent with any provision of this Order;
- (b) amend any such Act so as to render it consistent with the provisions of this Order.

**F61** 1924 c. iv (NI)

**Status:** Point in time view as at 01/07/2008.  
**Changes to legislation:** There are currently no known outstanding effects for the The Lagside Development (Northern Ireland) Order 1989. (See end of Document for details)

## SCHEDULES

### <sup>F62</sup>SCHEDULE 1 **N.I.**

Article 4(2).

#### THE LAGANSIDE CORPORATION

**F62** Sch. 1 repealed by Lagside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(3)(c)(iii)(4), 5(2), **Sch. 2 Pt. 2 para. 1(9)** and the repeal having been brought into force on different dates, as to which see individual paragraphs

#### Status

**1.** <sup>F63</sup> .....

**F63** Sch. 1 para. 1 repealed (1.7.2007) by Lagside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(3)(c)(iii), 5(2), **Sch. 2 Pt. 2 para. 1(9)**;

#### Constitution of Corporation

**2.** <sup>F64</sup> .....

**F64** Sch. 1 para. 2 repealed (1.7.2007) by Lagside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(3)(c)(iii), 5(2), **Sch. 2 Pt. 2 para. 1(9)**;

#### Appointment and tenure of office of members

**3.** <sup>F65</sup> .....

**F65** Sch. 1 para. 3 repealed (1.7.2007) by Lagside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(3)(c)(iii), 5(2), **Sch. 2 Pt. 2 para. 1(9)**;

**4.** <sup>F66</sup> .....

**F66** Sch. 1 para. 4 repealed (1.7.2007) by Lagside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(3)(c)(iii), 5(2), **Sch. 2 Pt. 2 para. 1(9)**;

**5.** <sup>F67</sup> .....

**F67** Sch. 1 para. 5 repealed (1.7.2007) by Lagside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(3)(c)(iii), 5(2), **Sch. 2 Pt. 2 para. 1(9)**;

#### Remuneration, etc. of members

**6.** <sup>F68</sup> .....

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**F68** Sch. 1 para. 6 repealed (1.7.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(3)(c)(iii), 5(2), **Sch. 2 Pt. 2 para. 1(9)**;

### Disqualification of members of the Corporation for Northern Ireland Assembly

**7.** <sup>F69</sup> .....

**F69** Sch. 1 para. 7 repealed (1.7.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(3)(c)(iii), 5(2), **Sch. 2 Pt. 2 para. 1(9)**;

### Proceedings

**8.** <sup>F70</sup> .....

**F70** Sch. 1 para. 8 repealed (1.7.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(3)(c)(iii), 5(2), **Sch. 2 Pt. 2 para. 1(9)**;

**9.** <sup>F71</sup> .....

**F71** Sch. 1 para. 9 repealed (1.7.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(3)(c)(iii), 5(2), **Sch. 2 Pt. 2 para. 1(9)**;

**10.** <sup>F72</sup> .....

**F72** Sch. 1 para. 10 repealed (1.7.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(3)(c)(iii), 5(2), **Sch. 2 Pt. 2 para. 1(9)**;

### The seal

**11.** <sup>F73</sup> .....

**F73** Sch. 1 para. 11 repealed (1.7.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(3)(c)(iii), 5(2), **Sch. 2 Pt. 2 para. 1(9)**;

### Execution of contracts and instruments not under seal

**12.** <sup>F74</sup> .....

**F74** Sch. 1 para. 12 repealed (1.7.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(3)(c)(iii), 5(2), **Sch. 2 Pt. 2 para. 1(9)**;

### Committees

**13.** <sup>F75</sup> .....

**F75** Sch. 1 para. 13 repealed (1.7.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(3)(c)(iii), 5(2), **Sch. 2 Pt. 2 para. 1(9)**;

.....

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### Staff

15. <sup>F76</sup> .....

**F76** Sch. 1 para. 15 repealed (1.7.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(3)(c)(iii), 5(2), **Sch. 2 Pt. 2 para. 1(9)**;

### Accounts and audit

16. <sup>F77</sup> .....

**F77** Sch. 1 para. 16(1) - (3) repealed (1.7.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(3)(c)(iii), 5(2), **Sch. 2 Pt. 2 para. 1(9)**

### Annual report

19. <sup>F78</sup> .....

**F78** Sch. 1 para. 19(1) repealed (1.7.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(3)(c)(iii), 5(2), **Sch. 2 Pt. 2 para. 1(9)**

### Information

20. <sup>F79</sup> .....

**F79** Sch. 1 para. 20 repealed (1.7.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(3)(c)(iii), 5(2), **Sch. 2 Pt. 2 para. 1(9)**;

## SCHEDULE 2 **N.I.**

Articles 17(4) and 18(6).

### ANCILLARY PROVISIONS RELATING TO WORKS UNDER ARTICLES 17 AND 18

#### Approval of Department and of Department of Agriculture

1.—(1) The [<sup>F80</sup>Department] shall not execute any works under Article 17 unless those works have been approved <sup>F81</sup> . . . by the Department of Agriculture.

(2) An approval under sub#paragraph (1) may be given subject to such terms and conditions as <sup>F82</sup> . . . the Department of Agriculture thinks fit.

**F80** Word in Sch. 2 para. 1(1) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(1)(k)**

**F81** Words in Sch. 2 para. 1(1) repealed (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(2), **Sch. 2 Pt. 2 para. 1(10)(a)(i)**

**F82** Words in Sch. 2 para. 1(2) repealed (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(2), **Sch. 2 Pt. 2 para. 1(10)(a)(ii)**

#### Consultation with the Belfast Harbour Commissioners

2.—(1) It shall be the duty of the [<sup>F83</sup>Department] before—



(a) executing any works under Article 17 or 18 within the harbour limits; or  
(b) exercising any power conferred by Article 17 or this Schedule within the harbour limits, to consult with the Belfast Harbour Commissioners and to take into account any representations made to the [F83Department] by the Commissioners so as to ensure that the execution of those works or the exercise of those powers causes the minimum interference to the property of the Commissioners or to the exercise by the Commissioners of their functions.

(2) F84 .....

(3) In this paragraph and paragraph 4(1) “the harbour limits” means the limits for the time being of the jurisdiction of the Belfast Harbour Commissioners under the Belfast Harbour Acts 1847 to 1967.

- F83 Word in Sch. 2 para. 2(1) substituted (1.4.2007) by Lagside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), {Sch. 2 Pt. 1 para. 1(1)(l)}
- F84 Sch. 2 para. 2(2) repealed (1.4.2007) by Lagside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(2), Sch. 2 Pt. 2 para. 1(10)(b)

### Tidal works

3.—(1) The [F85Department] shall not construct, alter or extend any tidal work under Article 17 or 18 except with the consent of the Secretary of State concerned with navigation and subject to any conditions imposed by the Secretary of State before the works are begun.

(2) F86 .....

(3) F87 .....

- F85 Word in Sch. 2 para. 3(1) substituted (1.4.2007) by Lagside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), Sch. 2 Pt. 1 para. 1(1)(m)
- F86 Sch. 2 para. 3(2) repealed (1.4.2007) by Lagside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(2), Sch. 2 Pt. 2 para. 1(10)(e)
- F87 Sch. 2 para. 3(3) repealed (1.4.2007) by Lagside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(2), Sch. 2 Pt. 2 para. 1(10)(e)

### Dredging

4.—(1) Without prejudice to paragraph 3, the [F88Department] shall not dredge the river within the harbour limits without the consent of the Belfast Harbour Commissioners.

(2) Any materials taken up or collected in the course of dredging the river shall be the property of the [F89Department] and may be used, sold, removed, deposited or otherwise disposed of as the [F89Department] may think fit; but the [F89Department] shall not deposit any such materials below the level of mean high water springs except in such position as the Secretary of State concerned with navigation may approve and subject to such conditions and restrictions as he may impose.

- F88 Word in Sch. 2 para. 4(1) substituted (1.4.2007) by Lagside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), Sch. 2 Pt. 1 para. 1(1)(n)
- F89 Word in Sch. 2 para. 4(2) substituted (1.4.2007) by Lagside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), Sch. 2 Pt. 1 para. 1(1)(n)

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### Temporary interference with river

5. The [<sup>F90</sup>Department] may, for the purpose of or in connection with the execution of any works under Article 17 or 18,—

- (a) temporarily alter or interfere with the river and construct or place in the river all such temporary works as it may deem necessary or expedient;
- (b) temporarily occupy and use the river;
- (c) temporarily restrict, terminate or otherwise interfere with easements, fishing rights, water rights, navigation rights or other similar rights.

**F90** Word in Sch. 2 para. 5 substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), Sch. 2 Pt. 1 para. 1(1)(o)

### Extinguishment of certain public rights

6.—(1) If the Department considers it necessary or desirable to do so in connection with any works executed under Article 17 or 18, the Department may <sup>F91</sup> . . . make an order extinguishing—

- (a) any public rights over or in relation to such part of the foreshore within the designated area as is specified in the order;
- (b) any public rights of navigation over such part of the river as is specified in the order.

(2) [<sup>F92</sup>Article 133(1) and (4) of, and Schedule 8 to, the Roads (Northern Ireland) Order 1993] shall apply to an order under sub#paragraph (1) as they apply to an order under Article 6 of that Order.

**F91** Words in Sch. 2 para. 6(1) repealed (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(2), Sch. 2 Pt. 2 para. 1(10)(d)

**F92** 1993 NI 15

### [<sup>F93</sup>SCHEDULE 3 N.I.]

#### Modifications of Schedule 6 to The Local Government Act (Northern Ireland) 1972 for the purposes of Article 20(3)

**F93** Sch. 3 substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), Sch. 2 Pt. 1 para. 1(10)

1. For any reference to the Department or to the council substitute a reference to the Department within the meaning of this Order.

2. For any references to that Act substitute a reference to this Order.

3. Omit paragraph 1.

4. In paragraph 2—

- (a) for the words “Notice of the application” substitute the words Notice of the Department's intention to acquire the land compulsorily;
- (b) omit the words “in such form and manner as the Ministry directs”;

- (c) in sub-paragraph (c) for the words “as may be prescribed” substitute the words as the Department considers fit.
- 5. In paragraph 3(1)(b) for the words in brackets substitute the words by the planning appeals commission or by any other person (if the Department considers it necessary to do so).
- 6. In paragraph 4 omit the words from “and may provide” onwards.
- 7. In paragraph 5—
  - (a) in sub-paragraph (1)(a) omit the words “in the prescribed form and manner”;
  - (b) in sub-paragraph (1)(d) omit the words “in the prescribed form”;
  - (c) in sub-paragraph (2) for the words “as may be prescribed” substitute the words as the Department considers fit.
- 8. In paragraph 6(2) for the words “fund out of which the expenses of the council in acquiring the land are to be defrayed” substitute the words Consolidated Fund and for the words “out of the compensation fund” substitute the words made by the Department.
- 9. In paragraph 11(3) omit the words “in the prescribed form”.
- 10. In paragraph 12—
  - (a) in sub-paragraph (1) omit the words “such” and “as may be prescribed”;
  - (b) in sub-paragraph (2) for the words from “clerk” to “directs” substitute the words Department as correct, and publish.
- 11. In paragraph 14(1) omit the words “in the prescribed form”.
- 12. In paragraph 15(1) for the words “in the prescribed form” substitute the words in such form as may be approved by the Department.
- 13. Omit paragraph 19.
- 14. Omit paragraph 20(2).]

<sup>F94F94</sup>SCHEDULE 4 **N.I.**

.....

**F94** Sch. 4 repealed (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(2), **Sch. 2 Pt. 2 para. 1(11)**

**Status:**

Point in time view as at 01/07/2008.

**Changes to legislation:**

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