

## SCHEDULES

### SCHEDULE 1

Article 4(2).

#### THE LAGANSIDE CORPORATION

##### Status

1.—(1) The Corporation shall be a body corporate to which, subject to the provisions of this Schedule, section 19 of the Interpretation Act (Northern Ireland) 1954<sup>F1</sup> shall apply.

(2) Except as provided by any agreement under Article 14(1), the Corporation shall not be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown and the Corporation's property shall not be regarded as the property of, or property held on behalf of, the Crown.

**F1** 1954 c. 33 (NI)

##### Constitution of Corporation

2.—(1) The Corporation shall consist of not fewer than seven nor more than ten members appointed by the Head of the Department from among persons who appear to him to have experience in any field of activity which he considers is relevant to the discharge of the functions of the Corporation.

(2) Of the members appointed under sub#paragraph (1)—

- (a) one shall be appointed after consultation with the Belfast Harbour Commissioners; and
- (b) one shall be appointed after consultation with the Belfast City Council.

(3) The Head of the Department shall appoint one of the members as chairman and may appoint another as deputy chairman.

##### Appointment and tenure of office of members

3. It shall be the duty of the Head of the Department—

- (a) to satisfy himself, before he 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 himself 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 Head of the Department proposes to appoint as a member shall, whenever requested by the Head of the Department to do so, furnish the Head of the Department with such information as he may specify with a view to carrying out his duty under this paragraph.

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*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)*

4.—(1) Subject to this paragraph a member of the Corporation shall hold and vacate office in accordance with the terms of his appointment.

(2) A member shall hold office for a fixed term not exceeding five years.

(3) A member may resign his office by giving to the Head of the Department a signed notice in writing to that effect.

(4) The Head of the Department may by notice in writing remove a member from office.

(5) A member who ceases to hold office shall be eligible for re#appointment to the Corporation.

5.—(1) Where a member becomes or ceases to be the chairman or deputy chairman, the Head of the Department may vary the terms of the instrument appointing him a member.

(2) If the chairman or deputy chairman ceases to be a member, he shall cease to be chairman or deputy chairman, as the case may be.

#### Remuneration, etc. of members

6. The Corporation may pay to each member such remuneration and such allowances as the Department may, with the approval of the Department of Finance and Personnel, determine and where a member of the Corporation is in the employ of any other person, the Corporation may make to that other person in consideration of the services to the Corporation of that member such payments as the Department may, with the approval of the Department of Finance and Personnel, determine.

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

7. In Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975<sup>F2</sup> (bodies of which all members are disqualified) there shall be inserted, at the appropriate place in alphabetical order,—

“ The Lagside Corporation. ”.

F2 1975 c. 25

#### Proceedings

8. The quorum of the Corporation and the arrangements relating to meetings of the Corporation shall be such as the Corporation may determine.

9.—(1) A member who is in any way directly or indirectly interested in any matter which falls to be considered by the 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.

(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 and read at such a meeting.

10. The validity of any proceedings of the Corporation shall not be affected by any vacancy among the members or by any defect in the appointment of a member or by any failure to comply with the requirements of paragraph 9.

#### The seal

11. The common seal of the Corporation shall, when applied to a document, be attested by the signature of a member of the Corporation, or of an officer of the Corporation authorised by it to act for the purposes of this paragraph.

#### Execution of contracts and instruments not under seal

12. Any contract or instrument which, if entered into or executed by an individual, would not require to be<sup>F3</sup> executed as a deed] may be entered into or executed on behalf of the Corporation by any person generally or specially authorised by the Corporation to act for that purpose.

F3 2005 NI 7

#### Committees

13.—(1) In connection with the exercise of its functions, the Corporation may establish such committees as appear to it to be appropriate, and, subject to sub#paragraphs (2) and (3), the composition of such a committee and the terms on which its members hold office shall be determined by the Corporation.

(2) Persons who are not members of the Corporation shall not, except with the approval of the Head of the Department, be appointed as members of any committee established under this paragraph.

(3) The Corporation may pay to members of any committee established under this paragraph who are not members of the Corporation such travelling and other allowances, including compensation for loss of remunerative time, as the Department may, with the approval of the Department of Finance and Personnel, determine.

(4) The Corporation may, with the approval of the Head of the Department, delegate to a committee established under this paragraph such of its functions as the Corporation may determine.

(5) Paragraphs 8 to 10 shall apply to any committee of the Corporation as they apply to the Corporation.

*Para. 14 rep. by 1996 NI 7*

#### Staff

15.—(1) The Corporation may appoint—

- (a) a chief executive; and

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(b) such other officers and servants,

on such terms as to remuneration and conditions of service as the Department, with the approval of the Department of Finance and Personnel, may determine.

(2) The Corporation shall not appoint a person under paragraph (1)( a ) without the approval of the Department.

(3) The Corporation may make provision for the payment of such pensions, allowances and expenses to or in respect of such persons appointed under sub#paragraph (1) as the Corporation may, with the approval of the Department and the Department of Finance and Personnel, determine.

### Accounts and audit

[<sup>F4</sup>16.—(1) The 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 Department may, with the approval of the Department of Finance and Personnel, direct.

(3) The Corporation shall, within such period after the end of each financial year as the Department may direct, send copies of the statement of accounts relating to that year to—

- (a) the Department; 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 the Corporation under this paragraph; and
- (b) send a copy of his report to the Department.

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

**F4** Sch. 1 para. 16 substituted (1.4.2006) for Sch. 1 paras. 16-18 by 2003 NI 5, arts. 1(2), 5, Sch. 1 para. 10 (with art. 1(4)).

### Annual report

19.—(1) As soon as possible after the end of each financial year, the Corporation shall make to the Department a report dealing generally with the Corporation's operations during the year<sup>F5</sup>. . . .

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

**F5** Sch. 1 para. 16 substituted (1.4.2006) for Sch. 1 paras. 16-18 by 2003 NI 5, arts. 1(2), 5, Sch. 1 para. 10 (with art. 1(4)).

## Information

**20.** Without prejudice to paragraph 19, the Corporation shall provide the Department with such information relating to its undertaking as the Department may require, and for that purpose shall permit any person authorised by the Department to inspect and make copies of the accounts, books, documents or papers of the Corporation and shall afford such explanation of them as that person or the Department may reasonably require.

### SCHEDULE 2

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>F6</sup>Department] shall not execute any works under Article 17 unless those works have been approved <sup>F7</sup> . . . by the Department of Agriculture.

(2) An approval under sub#paragraph (1) may be given subject to such terms and conditions as <sup>F8</sup> . . . the Department of Agriculture thinks fit.

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| <b>F6</b> | Word in Sch. 2 para. 1(1) substituted (1.4.2007) by Lagside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), <b>Sch. 2 Pt. 1 para. 1(1)(k)</b>    |
| <b>F7</b> | Words in Sch. 2 para. 1(1) repealed (1.4.2007) by Lagside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(2), <b>Sch. 2 Pt. 2 para. 1(10)(a)(i)</b>  |
| <b>F8</b> | Words in Sch. 2 para. 1(2) repealed (1.4.2007) by Lagside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(2), <b>Sch. 2 Pt. 2 para. 1(10)(a)(ii)</b> |

##### Consultation with the Belfast Harbour Commissioners

**2.—(1)** It shall be the duty of the [<sup>F9</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 [<sup>F9</sup>Department] 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) <sup>F10</sup> . . . . .

(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.

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| <b>F9</b>  | 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)} |
| <b>F10</b> | 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), <b>Sch. 2 Pt. 2 para. 1(10)(b)</b>      |

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### Tidal works

3.—(1) The <sup>F11</sup>Department] 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) <sup>F12</sup> .....
- (3) <sup>F13</sup> .....

<b>F11</b>	Word in Sch. 2 para. 3(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(1)(m)</b>
<b>F12</b>	Sch. 2 para. 3(2) 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(10)(c)</b>
<b>F13</b>	Sch. 2 para. 3(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(10)(c)</b>

### Dredging

4.—(1) Without prejudice to paragraph 3, the <sup>F14</sup>Department] 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 <sup>F15</sup>Department] and may be used, sold, removed, deposited or otherwise disposed of as the <sup>F15</sup>Department] may think fit; but the <sup>F15</sup>Department] 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.

<b>F14</b>	Word in Sch. 2 para. 4(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(1)(n)</b>
<b>F15</b>	Word in Sch. 2 para. 4(2) 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)(n)</b>

### Temporary interference with river

5. The <sup>F16</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.

<b>F16</b>	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), <b>Sch. 2 Pt. 1 para. 1(1)(o)</b>
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### 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>F17</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>F18</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.

**F17** Words in Sch. 2 para. 6(1) 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)(d)**  
**F18** 1993 NI 15

### [<sup>F19</sup>SCHEDULE 3

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

**F19** Sch. 3 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(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”;

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- (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).]

F20F20 SCHEDULE 4

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<p><b>F20</b> Sch. 4 repealed (1.4.2007) by Lagside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(2), <b>Sch. 2 Pt. 2 para. 1(11)</b></p>
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