
STATUTORY INSTRUMENTS

2003 No. 410 (N.I. 1)

The Strategic Investment and Regeneration
of Sites (Northern Ireland) Order 2003

- - - - - 27th February 2003

PART I
INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Strategic Investment and Regeneration of Sites (Northern Ireland) Order 2003.

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

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c.33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order –

“the designated company” has the meaning given by Article 5(6);

“the Executive” means the Executive Committee of the Assembly;

“the Office” means the Office of the First Minister and deputy First Minister;

“public body” means –

(a) a Northern Ireland department;

(b) a district council; and

(c) any other body which is –

(i) established or constituted by or under a statutory provision or Royal Charter; and

(ii) funded wholly or mainly out of money appropriated by Act of the Assembly;

“relevant site” has the meaning given by Article 9(1) (read with Article 12(3));

“statutory body” means –

(a) a Northern Ireland department; and

(b) any other body which is –

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- (i) established or constituted by or under a statutory provision; and
- (ii) funded wholly or mainly out of money appropriated by Act of the Assembly;

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33).

(3) References in this Order to the site of a development corporation shall be construed in accordance with Articles 15(7) and 20(5).

(4) Any power of giving directions conferred by any provision of this Order includes power to vary or revoke any direction given under that provision.

(5) At any time when section 1 of the Northern Ireland Act 2000 (c. 1) (suspension of devolved government) is in force, references in Part II to the Executive shall be construed as references to the Secretary of State.

PART II

EXERCISE BY DESIGNATED COMPANY OF STRATEGIC INVESTMENT FUNCTIONS

Strategic investment functions

3.—(1) The purpose of this Part is to make provision for, and in connection with, the exercise by a designated company of strategic investment functions in relation to –

- (a) the Executive; and
- (b) bodies carrying out major investment projects.

(2) In relation to the Executive, “strategic investment functions” means advising the Executive in relation to the formulation and implementation of its programme of major investment projects.

(3) In relation to bodies carrying out major investment projects, “strategic investment functions” means –

- (a) advising those bodies in relation to the carrying out of such projects;
- (b) assisting those bodies in relation to the carrying out of such projects, including providing research, consultancy, advisory and other services and general assistance; and
- (c) participating, by agreement with those bodies, in the carrying out of such projects.

(4) In particular strategic investment functions (in relation to the Executive and bodies carrying out major investment projects) include advising on –

- (a) the planning and prioritisation of programmes and projects;
- (b) the funding of projects, including borrowings for that purpose; and
- (c) the general implementation of projects (including, in the case of projects of statutory bodies, arrangements for procuring implementation wholly or partly by persons other than statutory bodies).

(5) References in this Part to “major investment projects” are to projects which –

- (a) are of major strategic importance to Northern Ireland (or a part thereof); and
- (b) involve substantial investment (whether or not provided out of public money).

Power of Office to arrange for formation of a company

4. For the purpose of this Part the Office may arrange for the formation of a company.

Designation of company to exercise strategic investment functions

5.—(1) The Office may by order designate a company for the purposes of this Part.

(2) A company shall not be designated under paragraph (1) unless it fulfils the following conditions, namely –

- (a) it is formed by virtue of Article 4;
- (b) it is [^{F1}formed and registered under the Companies Act 2006 in Northern Ireland] ;
- (c) it is a private company limited by guarantee (and not having a share capital) within the meaning of that Order;
- (d) its objects are such as to enable it to exercise strategic investment functions; and
- (e) the composition of its board of directors is controlled by the Office.

(3) [^{F2}Section 1159(2) and (4) of the Companies Act 2006] shall apply with appropriate modifications in relation to the determination of the matter mentioned in paragraph (2)(e).

(4) The Office –

- (a) may at any time revoke an order under paragraph (1);
- (b) shall revoke such an order if the designated company ceases to fulfil any of the conditions mentioned in paragraph (2).

(5) No order may be made under this Article unless a draft of the order has been laid before and approved by resolution of the Assembly.

(6) Only one company may be designated under paragraph (1) at any time; and references in this Part to the designated company are to the company for the time being designated under that paragraph.

^{F3}(7)

F1	Words in art. 5(2)(b) substituted (1.10.2009) by virtue of Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941) , art. 2(1), Sch. 1 para. 219(a) (with art. 10)
F2	Words in art. 5(3) substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941) , art. 2(1), Sch. 1 para. 219(b) (with art. 10)
F3	Art. 5(7) repealed (1.4.2016) by Public Services Ombudsman Act (Northern Ireland) 2016 (c. 4) , s. 64, Sch. 9 (with ss. 23, 50(3))

Funding of designated company

6.—(1) The Office may make payments to the designated company out of money appropriated for the purpose.

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

Exercise of strategic investment functions by designated company

7. The arrangements in connection with the exercise by the designated company of strategic investment functions in relation to the Executive and statutory bodies shall be such as are approved by the Executive; and such arrangements may in particular make provision for the exercise of those functions in relation to statutory bodies –

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- (a) for the purposes of such particular projects as are identified in accordance with the arrangements; and
- (b) in accordance with such further arrangements as are agreed in writing between the statutory body concerned and the designated company.

Duty on statutory bodies in relation to designated company

8.—(1) It is the duty of every statutory body in the exercise of its functions –

- (a) to facilitate the exercise by the designated company of strategic investment functions; and
- (b) to co-operate with the designated company in the exercise of strategic investment functions,

to such extent as arrangements for the time being approved or made under Article 7 may require.

(2) It is the duty of every statutory body to have regard to any advice given to it by the designated company in accordance with arrangements approved or made under Article 7.

(3) Paragraph (2) applies whether the advice is given by the designated company –

- (a) in relation to projects generally, in relation to projects of a specified class or description or in relation to any particular project or projects; or
- (b) to the body individually, to all statutory bodies generally or to a specified class or description of body to which the body belongs.

PART III

REGENERATION OF SITES

Modifications etc. (not altering text)

- C1** Pt. III: transfer of functions (8.5.2016 for specified purposes) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), [Sch. 1 Pt. 4](#) (with art. 9(2))

The relevant sites

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9.—(1) In this Part references to a relevant site are references to an area of land which –

- (a) on 2nd May 2002 was held by or on behalf of the Crown in right of Her Majesty's Government in the United Kingdom; and
- (b) is made available to the Executive in pursuance of arrangements (known as “the reinvestment and reform initiative”) made between that Government and the Executive and announced on that date.

(2) Subject to the following provisions of this Part, the Office shall have power –

- (a) to hold and manage a relevant site; and
- (b) generally to implement the arrangements mentioned in paragraph (1)(b) so far as relating to relevant sites.

(3) A certificate signed by the First Minister and deputy First Minister that an area of land is a relevant site is conclusive evidence of that fact for the purposes of this Part.

Functions of the Office in relation to relevant sites

Disposal of relevant sites by the Office

10.—(1) The Office may, with the approval of the Department of Finance and Personnel, dispose of any land forming all or part of a relevant site and vested in the Office.

(2) A disposal under this Article –

- (a) may be for value or otherwise; and
- (b) shall be on such terms and conditions as the Office may think fit.

(3) In particular on any such disposal the Office may –

- (a) impose such restrictions as the Office may think necessary on the use of the land disposed of; and
- (b) grant or reserve such rights over the land as the Office may think fit.

(4) Nothing in section 5 of the Stormont Regulation and Government Property Act (Northern Ireland) 1933 (c. 6) affects the disposal by the Office of land forming all or part of a relevant site.

Regeneration of relevant sites by the Office

11.—(1) For the purpose of securing the regeneration of a relevant site, the Office may –

- (a) carry out the development or redevelopment of land, including the conversion or demolition of existing buildings;
- (b) carry out building and other operations;
- (c) provide services and facilities;
- (d) form, or acquire interests in, bodies corporate;
- (e) act with other persons, whether in partnership or otherwise;
- (f) give financial assistance to other bodies or persons in accordance with paragraphs (2) to (5);
- (g) carry out studies, investigations and research;
- (h) generally do anything necessary or expedient for that purpose.

(2) The Office may, with the approval of the Department of Finance and Personnel, provide financial assistance for any body or person doing or intending to do on or in relation to a relevant site anything falling within paragraph (3).

(3) Financial assistance under paragraph (2) 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) anything not falling within sub-paragraphs (a) to (e) which the Office considers will benefit the site.

(4) Financial assistance under paragraph (2) may include –

- (a) grants;
- (b) loans;