STATUTORY INSTRUMENTS

1981 No. 607 (N.I. 15)

The Enterprise Zones (Northern Ireland) Order 1981

- - - - - - *13th April 1981*

Annotations:

Modifications etc. (not altering text)

C1 Order: transfer of functions (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 5 Pt. 2** (with art. 9(2))

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[F1] 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.

Para. (3) rep. by 1991 NI 11

Annotations:

F1 1954 c. 33 (NI)

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.

(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 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 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).