Changes to legislation: *Enterprise Ulster (Northern Ireland) Order 1973 is up to date with all changes known to be in force on or before 06 May 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

1973 No. 1228 (N.I. 16)

Enterprise Ulster (Northern Ireland) Order 1973 [F1]

[16th July 1973]

\- - - - - - [F2]

F1 functions transf. by SR 1999/481

F2 Order repealed (prosp.) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 4(1)(a), 6, 7(1), **Sch. 3** (with Sch. 1 Pt. 1 para. 4(3))

Title and commencement

1. This Order may be cited as the Enterprise Ulster (Northern Ireland) Order 1973 … *Commencement …*

Interpretation

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

(2) In this Order—

"the Comptroller and Auditor-General" means the Comptroller and Auditor-General for Northern Ireland;

"the Corporation" means Enterprise Ulster;

"government department" means a department of the Government of Northern Ireland;

"the Minister" means the Minister of Health and Social Services;

"the Ministry" means the Ministry of Health and Social Services;

"public body" means a body (including a district council) established by or under any transferred provision but does not include a government department;

"transferred provision" has the meaning assigned to it by section 1(*g*) of the Interpretation Act (Northern Ireland) 1954.

Para.(3) rep. by SLR 1976

Enterprise Ulster

3.—(1) There shall be established a body corporate with perpetual succession to be called Enterprise Ulster to which section 19 of the Interpretation Act (Northern Ireland) 1954 shall apply.

(2) The Corporation shall have such functions as are conferred on it by this Order.

(3) The constitution of the Corporation shall be as provided in that behalf in Part I of Schedule 1, and the supplementary provisions contained in Part II of that Schedule shall have effect.

(4) Subject to any arrangements made with a government department under Article 4(4)(*d*), the Corporation shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown or as exempt from any tax, duty, rate, levy, or other charge whatsoever, whether general or local, and its property shall not be regarded as the property of, or property held on behalf of, the Crown but nothing in this Order shall be construed as derogating from any privilege, immunity or exemption of the Crown in relation to any matter as respects which the Corporation acts as agent of the Crown by virtue of Article 4(4)(*d*).

Functions of the Corporation

4.—(1) For the purpose of creating**[**F3, or providing training for,**]** employment in Northern Ireland the Corporation may, subject to and in accordance with any directions given by the Ministry under paragraph (7), do anything which the Corporation considers to be of environmental, amenity, cultural, community or social value and may evaluate the need for or make preparations for or concert, promote, assist or undertake suitable action for the carrying out of works or activities which it considers to be of such value and to be directly or indirectly conducive to that purpose.

(2) The Corporation may conduct, promote or assist research or investigations into any aspects of unemployment in Northern Ireland or any part of it (including the causes of and remedies for unemployment) in so far as the Corporation considers any such research or investigation consistent with the objects of the Corporation.

(3) Any government department may co-operate with the Corporation in any research or investigation under paragraph (2) if, apart from this paragraph, it would not have power to do so.

(4) Without prejudice to the generality of paragraphs (1) and (2), the Corporation may—

(a) give assistance by way of grant to any person proposing to carry out, or carrying out, any work or activity such as is mentioned in paragraph (1) or any research or investigation such as is mentioned in paragraph (2);

(b) contribute towards expenses incurred by any person in preparing for submission to the Corporation proposals for any such work, activity, research or investigation;

(c) delegate to any person (including government departments) the carrying out of any such work, activity, research or investigation;

(d) act as agent for any person (including government departments) in relation to any matter within the scope of the Corporation's functions;

and may do so on such terms and conditions as may be agreed between the Corporation and the person concerned.

(5) Any assistance by way of grant under paragraph (4)(*a*) to a person other than a government department or public body shall not exceed one half of the cost of the work or activity except where the Ministry with the consent of the Ministry of Finance authorises the payment of a larger grant in any particular case.

(6) Where a person proposing to carry out any work, activity, research or investigation as mentioned in paragraph (4)(*a*), (*b*) or (*c*) is a body corporate or unincorporate, that body shall have power to carry out the work, activity, research or investigation if, apart from this paragraph, it would not have power to do so; but a body shall not do anything by virtue of this paragraph—

(a) if it is expressly prohibited by its constitution from doing that thing; or

(b) where it is a public body, otherwise than with the consent of the Ministry concerned.

(7) The Ministry may, after consultation with the Corporation, give to the Corporation directions of a general or specific nature as to the discharge of its functions under this Order and the Corporation shall act in accordance with those directions.

(8) In paragraph (6)(*b*) "the Ministry concerned", in relation to any public body, means the government department concerned with the functioning of the body, and if any question arises as to what department is the Ministry concerned, the question shall be determined by the Ministry of Finance.

(9) The Ministry may by order made with the approval of the Ministry of Finance and subject to affirmative resolution alter the functions of the Corporation, and any such order may modify or repeal any of the foregoing provisions of this Article.

F3 1990 NI 8

Power to obtain information

5.—(1) For the purpose of obtaining information reasonably required by the Corporation in order to allow the Corporation to create employment in Northern Ireland the Corporation may with the approval of the Ministry by notice in writing served on a public body preparing proposals for the carrying out of or proposing to carry out works or activities such as are mentioned in Article 4(1), require that body to furnish to the Corporation such information as may reasonably be specified in the notice.

(2) For the purpose of obtaining information reasonably required by a district council as to any proposals of the Corporation for the district of that council, the district council may with the approval of the Ministry of Development by notice in writing served on the Corporation, require the Corporation to furnish to the council such information as may reasonably be specified in the notice.

(3) A notice under paragraph (1) or (2) may require any such information to be furnished in such manner and within such time as may be specified in the notice, and either periodically or on one occasion or more.

Powers with respect to land

6.—(1) The power of the Corporation to acquire or dispose of land shall not be exercisable otherwise than with the consent of the Ministry and the Ministry of Finance.

(2) The Corporation may acquire compulsorily in accordance with the following provisions of this Article any land which it may require for the purposes of its functions under the Order.

(3) Where the Corporation in exercise of the power conferred by paragraph (2) desires to acquire any land otherwise than by agreement, it may apply to the Ministry for an order (in this Article referred to as a "vesting order") vesting the land in the Corporation and the Ministry shall have power to make a vesting order.

(4) Schedule 6 to the Local Government Act (Northern Ireland) 1972 shall 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 under that Act subject to the following modifications—

(a) for any reference to the district council there shall be substituted a reference to the Corporation;

(b) for any reference to the Ministry concerned there shall be substituted a reference to the Ministry;

(c) for any reference to that Act there shall be substituted a reference to this Order.

(5) The power to make a vesting order in respect of land—

(a) which is the property of any public body which has power under any transferred provision to acquire land compulsorily; or

(b) which is declared by or under any transferred provision to be inalienable;

shall not, where representations objecting to the proposal for making the order have been duly made by the owner of the land and have not been withdrawn, be exercised in relation to that land unless the proposal for making the order has been approved by a resolution of each House of Parliament.

Power to enter on land

7.—(1) A person authorised in writing by the Corporation (in this Article referred to as an "authorised person") may, on production if required of his credentials, at any reasonable time enter any land for the purpose of survey, valuation or examination—

(a) where the Corporation proposes to acquire the land compulsorily under Article 6; or

(b) where it appears to the Corporation that survey, valuation or examination is necessary in order to determine whether the land should be so acquired.

(2) A power of entry under paragraph (1) shall not be exercisable in relation to any land except—

(a) with consent given by the occupier of the land; or

(b) after at least twenty-four hours' notice of the intended entry has been served on the occupier or owner of the land.

(3) If any person, other than the owner or occupier of the land, knowingly prevents an authorised person from carrying out anything which the authorised person is duly authorised to do or obstructs the authorised person in carrying out any such thing, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding**[**F4 level 2 on the standard scale**]**.

(4) If any person, being the owner or occupier of land, knowingly prevents an authorised person from duly carrying into effect any survey, valuation or examination of the land or obstructs the authorised person in doing any such survey, valuation or examination, a court of summary jurisdiction on proof thereof may order him to permit to be done on the land all things requisite for carrying into effect such survey, valuation or examination; and, if he fails to comply with the order, he shall be guilty of an offence and shall, for every day during which the failure continues, be liable on summary conviction to a fine not exceeding**[**F4 level 2 on the standard scale**]**.

(5) Where under this Article an authorised person enters any land, he shall ensure that the land is not left less secure by reason of the entry, and the Corporation shall make good or pay compensation for any damage to property caused by, or in consequence of, the authorised person exercising any right or failing to perform any duty under this Article.

(6) Any question of disputed compensation under this Article shall be referred to and determined by the Lands Tribunal.

(7) Any reference in this Article to an occupier or to an owner shall be construed as including a reference to a person appointed in writing by the occupier or owner as his representative for purposes including all or any of the purposes of this Article.

(8) Any power conferred by this Article shall be construed as including power to search and bore for the purpose of ascertaining the course of any sewers or drains or of ascertaining the nature of the subsoil therein and to take and carry away for examination specimens of the subsoil found therein.

F4 1984 NI 3

Expenses of the Corporation

8. For the purpose of enabling the Corporation to carry out its functions under this Order, the Ministry shall pay to the Corporation such sums as the Ministry may, with the approval of the Ministry of Finance, determine.

[F5Accounts and audit

9.—(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.

(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 Article; 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.**]**

F5 2003 NI 5

Reports

10.—(1) The Corporation shall as soon as possible—

Sub-para.(a) rep. by SLR 1976

(b) **10.** (1) (b) within a period of three months after the end of each …[F6] financial year, make to the Minister a report, in such form and containing such information as the Ministry may direct, on the performance of its functions …[F6] during the financial year …[F6].

(2) The Minister shall lay before each House of Parliament a copy of each report made to him under this Article[F7]. . . .

F6 SLR 1976
F7 2003 NI 5

Disclosure of information to the Ministry

11.—(1) The Corporation shall provide the Ministry with such returns and information relating to its activities as the Ministry may require.

(2) For that purpose, the Corporation shall permit any person authorised by the Ministry in that behalf to inspect and make copies of its accounts, books, documents and papers and shall afford such explanation thereof as that person or the Ministry may reasonably require.

Cesser of functions of the Corporation

Paras. (1)#(2) rep. by 1986 NI 23