Development Services Act (Northern Ireland) 1948 [F1]

1948 CHAPTER 25

An Act to enable financial assistance to be given and other measures to be taken to provide for certain services, for bringing derelict land into use, and for the development of derelict areas generally; and for purposes connected with the matters aforesaid. [23rd December 1948]

Annotations:
F1 Functions transf., SR 1999/481

1 Provision of services.

(1) Where it appears to the Ministry of Finance (in this Act referred to as "the Ministry") after consultation with the appropriate departments that it is desirable, for the purpose of providing (whether directly or indirectly) employment in any area, that the provision or improvement of any service to which this section applies and for which adequate provision has not been made in that area should be specially assisted or accelerated, the Ministry, or any other Government department which the Ministry may designate for the purpose, may either itself provide or improve, or may make grants towards the cost of providing or improving, that service in such manner and subject to such conditions as the Ministry may think expedient for the purposes of this section.

For the purposes of this sub-section the expression "appropriate departments" means, in relation to any service to which this section applies, the Ministry of Labour and National Insurance[F2] and any such other Government department as appears to the Ministry to be concerned with the administration of that service.

(2) The services to which this section applies are all services (including facilities or amenities) which the Ministry is satisfied are necessary in the public interest or are desirable either for the development of any area or for the improvement of any service provided by a local or public authority in the exercise of any function arising under or by virtue of the provisions of any enactment.

(3) Subject to the provisions of section seven of this Act and notwithstanding anything to the contrary in any other enactment, the powers conferred by this section on the Ministry or any other Government department to make grants in respect of any service to which this section applies shall be exercisable in addition to any other power conferred by any other enactment to make grants in respect of that service.

Annotations:
F2 SRO (NI) 1964/205

2 Power to acquire and carry out works on derelict land.

(1) Where the Ministry considers that, for the purpose of bringing into use any land which appears to the Ministry to be derelict and likely to remain so for a considerable period or of improving the amenities of the neighbourhood of any such land, it is expedient that the Ministry should acquire that land, the Ministry may, either by agreement or compulsorily in accordance with the provisions of sub-section (3) of this section, acquire that land and any easements or rights in or over any land adjacent thereto.

(2) The Ministry may carry out such work on land acquired under this section as appears to the Ministry to be expedient for enabling the land to be brought into use or for improving the amenities of the neighbourhood thereof.1

(3) Subject to the provisions of section nine of this Act, the Ministry shall, where it desires to acquire otherwise than by agreement any such land, easement, or right as aforesaid, have power to make an order (in this Act referred to as a "vesting order") vesting such land, easement or right (as the case may be) in it and the provisions of [F3 paragraphs (3) and (4) of Article 10 of, and Schedule 3 to, the Drainage (Northern Ireland) Order 1973], shall, with the modifications thereof specified in the next succeeding sub-section, apply for the purpose of the making of vesting orders under this section, and shall have effect in relation to every vesting order so made, as if the said provisions as so modified were incorporated in this Act and in terms made applicable thereto.

(4) The said provisions as applied for the purpose aforesaid shall have effect as if—

(a) references therein to the Ministry of Agriculture were construed as references to the Ministry;

(b) references therein to the said Order were construed as references to this Act; and

(c) references therein to Article 10 of that Order were construed as references to this section.]

(5) Notwithstanding anything contained in section five of the Stormont Regulation and Government Property Act (Northern Ireland), 1933 (which relates to the taking and disposal of land for the public services) the Ministry may—

(a) sell, lease, surrender, or otherwise dispose of, on such terms as it may think fit, any land acquired by it for the purpose of this section;

(b) exchange any such land, and on any such exchange may give or receive any money for equality of exchange;

and the Ministry may impose such restrictions as it may think fit on the user of land held or disposed of under this section and may grant, dedicate or reserve such rights (including public rights) over such land as it may think fit.

Annotations:
F3 1973 NI 1

3 Grants for development of derelict areas.

For the purpose of enabling land which appears to the Ministry to be derelict and likely to remain so for a considerable period to be brought into use, the Ministry, or such other Government department as the Ministry may designate for the purpose, may make grants, of such amount in such manner and at such time or times as the said Ministry or department (as the case may be) may determine, to any local or public authority towards the cost of enabling such land to be brought into use or of improving the amenities of the neighbourhood thereof.

4 Schemes by district councils for dealing with derelict land.

(1) For the purpose of securing that any land which appears to a [F4 district council] to be derelict and likely to remain so for a considerable period is brought into use or of improving the amenities of the neighbourhood thereof, the [district council] may in accordance with a scheme prepared by the [council] and duly approved under this section by the Ministry of Health and Local Government[F5] after consultation with the Ministry, acquire such land either by agreement or compulsorily…[F6] and may carry out on such land such works as may be specified in that behalf in the scheme or as are incidental to or necessary for the execution of the scheme.

Subs.(2) rep. by 1972 NI 17

(3) A scheme approved under this section may provide for—

(a) the holding or disposal of any land by a [district council] either for the purposes of the scheme or for any other purpose for which the [council] is authorised to hold land under or by virtue of the provisions of any enactment;

(b) the selling or leasing of such land for the purposes of any….[F7] enactment or for the purposes of the provision, maintenance, or improvement of any service to which section one of this Act applies;

(c) the making of charges (including ticket or admission fees, rents or other sums) by any local or public authority in respect of the amenity or service provided thereunder or in connection therewith and for the payment of any revenue derived therefrom to the credit of, and for debiting any loss incurred thereunder or in connection therewith to, such fund or funds as may be specified in the scheme; or

(d) the co-operation of any [district council] with any other local or public authority in the provision, improvement or administration of any service or in the improvement of any amenity.

Subs.(4) rep. by 1972 c.9 (NI)

(5) A scheme approved under this section may be varied or modified by a subsequent scheme so approved.

Annotations:
F4 SRO (NI) 1973/285
F5 Functions transf., SRO (NI) 1964/205; 1973/504
F6 1972 c.9 (NI)