An Bille um Fhorbairt Tionscail (Leasú), 2018
Industrial Development (Amendment) Bill 2018

Mar a tionscnaíodh

As initiated

[No. 1 of 2018]

AN BILLE UM FHORBAIRT TIONSCAIL (LEASÚ), 2018
INDUSTRIAL DEVELOPMENT (AMENDMENT) BILL 2018

Mar a tionscnaíodh

As initiated

CONTENTS

Section

1. Definition
2. Amendment of section 2 of Act of 1986
3. Amendment of section 16 of Act of 1986
4. Land not immediately required for purpose of section 16
5. Sale, lease or disposal of land in accordance with section 16
6. Exercise of compulsory powers
7. Functions of Bord Pleanála
8. Amendment of Second Schedule to Act of 1986
9. Short title and commencement

Housing Act 1966 (No. 21)

Industrial Development (Forfás Dissolution) Act 2014 (No. 13)

Industrial Development Act 1986 (No. 9)

Industrial Development Act 1995 (No. 28)

Planning and Development Act 2000 (No. 30)

AN BILLE UM FHORBAIRT TIONSCAIL (LEASÚ), 2018
INDUSTRIAL DEVELOPMENT (AMENDMENT) BILL 2018

Bill

entitled

An Act to make provision in relation to the exercise of powers under section 16 of the Industrial Development Act 1986; to provide that certain provisions of the Housing Act 1966 shall apply in respect of the exercise of compulsory powers under that section and to make provision for the performance of functions by An Bord Pleanála in relation thereto; to provide that certain provisions of the Planning and Development Act 2000 shall apply in relation thereto; and, for those purposes, to amend the Industrial Development Act 1986; and to provide for related matters.

Be it enacted by the Oireachtas as follows:

Definition

1. In this Act, "Act of 1986" means the Industrial Development Act 1986.

Amendment of section 2 of Act of 1986

2. Section 2 of the Act of 1986 is amended by the insertion of the following definitions:

" 'Act of 1966' means the Housing Act 1966;

'IDA' means the Industrial Development Agency (Ireland);".

Amendment of section 16 of Act of 1986

3. Section 16 of the Act of 1986 is amended—

(a) in subsection (1)—

(i) by the substitution of "IDA, in furtherance of its functions (whether conferred by or under this Act or any other enactment), may, subject to sections 16A, 16B and 16C" for "the Authority may",

(ii) by the substitution, in paragraph (h), of "authorised to do." for "authorised to do,", and

(iii) by the deletion of the following:

"if the Authority—

(i) considers that industrial development will or is likely to occur as a result, and

(ii) is satisfied that the undertaking conforms or will conform to the criteria set out in subsections (3) and (4) of section 21 or section 25(2).",

(b) by the substitution, in subsection (2), of "IDA" for "the Authority", and

(c) by the insertion of the following subsection after subsection (3):

"(4) Notwithstanding subsections (1) and (2) of section 18 of the Industrial Development (Forfás Dissolution) Act 2014, and the Schedule to that Act, the functions conferred by this section shall be performable by IDA only.".

Land not immediately required for purpose of section 16

4. The Act of 1986 is amended by the insertion of the following section after section 16:

"16A. Subject to sections 16B and 16C, the powers conferred by subsection (1) of section 16 may be exercised—

(a) in respect of land not immediately required for the purpose referred to in that subsection if, in the opinion of IDA, the land will or is likely to be required for such a purpose in the future, and

(b) whether or not, at the time of the exercise of the powers concerned, an industrial undertaking is identified for such a purpose.".

Sale, lease or disposal of land in accordance with section 16

5. The Act of 1986 is amended by the insertion of the following section after section 16A:

"16B. (1)The powers conferred by paragraph (f) of subsection (1) of section 16 may only be exercised where an industrial undertaking is identified for the purpose referred to in that subsection and IDA—

(a) considers that industrial development will or is likely to occur as a result of the exercise of those powers, and

(b) is satisfied as to the matters specified in subsections (3) and (4)(b), (c), (d) and (e) of section 21 in respect of that undertaking.

(2) In the case of land which has been compulsorily acquired under subsection (1) of section 16, the powers conferred by paragraph (f) of that subsection may only be exercised in respect of that land for the purpose of that subsection by way of the grant of a lease.

(3) This section is without prejudice to section 3(4) of the Industrial Development Act 1995.".

Exercise of compulsory powers

6. The Act of 1986 is amended by the insertion of the following section after section 16B:

"16C.(1) The powers conferred by paragraphs (a), (b) and (c) of subsection (1) of section 16 may only be exercised compulsorily where an industrial undertaking is identified for the purpose referred to in that subsection and IDA—

(a) considers that industrial development will or is likely to occur as a result of the exercise of those powers,

(b) is satisfied as to the matters specified in subsections (3) and (4)(b), (c), (d) and (e) of section 21 in respect of that undertaking,

(c) is satisfied that the exercise of those powers will serve to promote or support national objectives for industrial development, and

(d) is authorised, in accordance with an order referred to in subsection (2), to exercise those powers.

(2) IDA may be authorised to exercise the powers under paragraphs (a), (b) or (c) of subsection (1) of section 16 compulsorily by means of a compulsory purchase order as provided for by section 76 of the Act of 1966 and the Third Schedule thereto.

(3) Section 3 and Part V (other than section 77) of, and the Third and Fourth Schedules to, the Act of 1966, shall, with any necessary modifications, apply in relation to an order made by virtue of subsection (2) and for that purpose—

(a) references in that Act to a housing authority shall be construed as references to IDA,

(b) references in sections 78(1) and 81(3)(a) of, and paragraph 4(a) of the Third Schedule to, that Act to newspapers circulating in their functional area shall be construed as references to newspapers circulating in the area in which the land to which the order relates is situate,

(c) references (howsoever expressed) in that Act to acquiring land compulsorily shall be construed as references to the exercise compulsorily of the powers under paragraphs (a), (b) or (c) of subsection (1) of section 16,

(d) reference in section 80(1) of that Act to enter on, take possession of and use the land shall be construed as including reference to exercise, or as the case may be, terminate, restrict or otherwise interfere with, any easement or other right authorised by the order, and

(e) references in that Act to the purposes of that Act shall be construed as references to the purpose referred to in subsection (1) of section 16.

(4) In construing a compulsory purchase order made by virtue of subsection (2), a reference in any enactment incorporated therein which, but for this subsection, would by virtue of paragraph 5(5) of the

Third Schedule to the Act of 1966 be construed as a reference to a housing authority, shall be construed as a reference to IDA.".

Functions of Bord Pleanála

7. The Act of 1986 is amended by the insertion of the following section after section 16C:

"16D.(1) The Board shall have the same functions in relation to a compulsory purchase order made by IDA by virtue of subsection (2) of section 16C as it has under Part XIV of the Act of 2000 in relation to a compulsory acquisition of land by a local authority under the Act of 1966, and for that purpose, a reference (howsoever expressed) in the Act of 2000 to the functions transferred to the Board under that Part shall include a reference to the performance of those functions by the Board in relation to such an order.

(2) Without prejudice to the generality of subsection (1)—

(a) sections 216(1), 217(3), (5), (6), (6A) and (7), 217A, 217C(1), 218(1), (3) and (4), 219 and 221(1), (2), (3), (5), (7) and (8) of the Act of 2000 shall, with any necessary modifications, apply in relation to a compulsory purchase order made by virtue of subsection (2) of section 16C as if references in that Act to a local authority were to IDA, and

(b) sections 50 and 50A of the Act of 2000 shall, with any necessary modifications, apply in respect of the performance by the Board of its functions under subsection (1) in the same manner as those sections apply in respect of the performance by the Board of a function transferred under Part XIV of that Act.

(3) In this section—

'Act of 2000' means the Planning and Development Act 2000;

'Board' means An Bord Pleanála.".

Amendment of Second Schedule to Act of 1986

8. The Second Schedule to the Act of 1986 is amended by—

(a) the substitution of "IDA" for "the Authority" in each place that it occurs, and

(b) the deletion of paragraphs 1, 2, 3 (other than subparagraph (2)) and 4.

Short title and commencement

9. (1) This Act may be cited as the Industrial Development (Amendment) Act 2018.

(2) This Act shall come into operation on such day or days as the Minister for Business, Enterprise and Innovation may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions.

An Bille um Fhorbairt Tionscail (Leasú), 2018

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú i ndáil le cumhachtaí faoi alt 16 den Acht um Fhorbairt Tionscail, 1986 a fheidhmiú; do dhéanamh socrú go mbeidh feidhm ag forálacha áirithe d'Acht na dTithe, 1966 maidir le cumhachtaí éigeantacha faoin alt sin a fheidhmiú agus do dhéanamh socrú maidir leis an mBord Pleanála do chomhlíonadh feidhmeanna i ndáil leis sin; do dhéanamh socrú go mbeidh feidhm ag forálacha áirithe den Acht um Pleanáil agus Forbairt, 2000 i ndáil leis sin; agus, chun na gcríoch sin, do leasú an Achta um Fhorbairt Tionscail, 1986; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

An tAire Gnó, Fiontar agus Nuálaíochta a thíolaic,

4 *Eanáir,* 2018

Industrial Development (Amendment) Bill 2018

BILL

(as initiated)

entitled

An Act to make provision in relation to the exercise of powers under section 16 of the Industrial Development Act 1986; to provide that certain provisions of the Housing Act 1966 shall apply in respect of the exercise of compulsory powers under that section and to make provision for the performance of functions by An Bord Pleanála in relation thereto; to provide that certain provisions of the Planning and Development Act 2000 shall apply in relation thereto; and, for those purposes, to amend the Industrial Development Act 1986; and to provide for related matters.

Presented by the Minister for Business, Enterprise and Innovation,

4*th January,* 2018

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2.
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€1.27

Wt. _. 330. 1/18. Essentra. (70180). Gr. 30-15.

ISBN 978-1-4468-6131-8
9 781446 861318