

Qualifying areas. FA97 s53 367.—(1) Subject to subsection (2), the Minister for Finance may, after consultation with the Minister for the Environment and Local Government, following a recommendation from the Executive Board of the Dublin Docklands Development Authority Act, 1997 ) of the Dublin Docklands Development Authority (within the meaning of section 14 of that Act), by order direct that—

(a) the area or areas described in the order shall be a qualifying area—

(i) for the purposes of one or more sections of this Chapter, and

(ii) in relation to section 369, for the purposes of that section, including or excluding the provisions of subsection (6) of that section as may be specified in the order, and

(b) as respects any such area so described in the order, the definition of “qualifying period” in section 366 shall be construed as a reference to such period as shall be specified in the order in relation to that area, but no such period specified in the order shall commence before the 1st day of July, 1997, or end after the 30th day of June, 2000.

(2) In considering the making of an order under subsection (1) in respect of an area and in particular for the purposes of determining whether that area should be a qualifying area for the purposes of one or more sections of this Chapter and, where the area is to be a qualifying area for the purposes of section 369, whether the relief to be provided by virtue of section 369 is or is not to be subject to subsection (6) of that section, the Minister shall have regard to the following criteria—

(a) the consistency, in relation to the area, of the types of development for which relief is provided in one or more sections of this Chapter with the relevant provisions of the master plan for the Dublin Docklands Area prepared and adopted under section 24 of the Dublin Docklands Development Authority Act, 1997 , which consistency shall be certified by the Executive Board of the Dublin Docklands Development Authority,

(b) the market conditions in the area in terms of the existing and projected supply of, and the existing and projected demand for, the type of development for which relief is provided in one or more sections of this Chapter,

(c) the significance of the area for the overall regeneration of the Dublin Docklands Area, and

(d) the nature and extent of any barriers to the regeneration of the area.

(3) Every order made by the Minister for Finance under subsection (1) shall be laid before Dáil Éireann as soon as may be after it is made and, if a resolution annulling the order is passed by Dáil Éireann within the next 21 days on which Dáil Éireann has sat after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.