



# Stormont Regulation and Government Property Act (Northern Ireland) 1933

## 1933 CHAPTER 6

### 5 Provisions as to taking and disposal of land for the public services.

- <sup>F1</sup>(1) <sup>F2</sup> The Ministry of Finance may purchase by agreement or take on lease any land, where the same is required for the purpose of any powers or duties of the said Ministry or for the administration of any public service in Northern Ireland.
- (2) Subject to the provisions hereinafter contained in this section, the Ministry of Finance may sell, exchange, lease or surrender on any terms any land for the time being vested in that Ministry, and on any such exchange may give or receive any money for equality of exchange; and that Ministry may sell either by public auction or by private contract, and may make any stipulations, as to title or otherwise, in any conditions of sale or contract for sale or exchange.
- (3) On any sale, exchange, lease or surrender, the Ministry of Finance may stipulate for, create or reserve all such rights or easements as may be deemed proper.
- (4) With the consent of the Ministry of Finance, any other Ministry of Northern Ireland may exercise, with respect to land for the time being vested in such other Ministry for the purpose of its powers or duties, the like powers as are conferred on the Ministry of Finance by sub-sections (2) and (3) of this section.
- (5) A sale, exchange, lease, or surrender of land under this section shall be at the best price or for the best rent or otherwise on the best terms which, in the opinion of the<sup>F3</sup> Department of Finance and Personnel], can reasonably be obtained:

Provided that a nominal price or rent, or a price or rent or terms other than the best that can reasonably be obtained, may be accepted<sup>F3</sup> with the consent of the Department of Finance and Personnel, by a department of Northern Ireland], in a case where—

- (i) the land is to be sold, leased, or otherwise transferred to a local authority, or to a body or persons not trading for profit and authorised by or under any enactment to carry on a public undertaking; and

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**Changes to legislation:** There are currently no known outstanding effects for the Stormont Regulation and Government Property Act (Northern Ireland) 1933, Section 5. (See end of Document for details)

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- (ii) the<sup>F3</sup> Department of Finance and Personnel] is satisfied that such sale, lease or transfer will result in the development, improvement or general benefit of any land held by a Ministry of Northern Ireland.
- (6) ...<sup>F4</sup> any moneys received by a Ministry in respect of any transaction carried out by such Ministry in the exercise of any power conferred upon it by this section shall be paid to the Exchequer of Northern Ireland...<sup>F5</sup>.
- (7) The provisions of this section shall not have effect—
- (a) so as to enable the hereditaments described in the Schedule to this Act to be sold, exchanged, leased or surrendered;
  - (b) so as to affect the power of any Ministry of Northern Ireland to purchase, take on lease, sell, exchange, lease or surrender any land for the purposes of any instrument under which such Ministry acts as trustee;
  - (c) so as to apply to the purchase, taking on lease, sale, exchange, lease or surrender of land by a Ministry of Northern Ireland in any case where power in that behalf is conferred on such Ministry by any enactments other than this section.

- F1** 1948 c.25 (NI); 1955 c.2 (NI); 1964 c.28 (NI); 1965 c.9 (NI); 1965 c.13 (NI); 1966 c.36 (NI); 1970 c.9 (NI); 1972 c.5 (NI); 1972 NI 12; 1972 NI 17; 1972 NI 20; 1973 NI 2; 1980 NI 11; 1981 NI 3; 1975 c.77
- F2** 1980 c.65; 1973 NI 21
- F3** 1982 NI 6
- F4** 1950 c.3 (NI)
- F5** 1955 c.6 (NI)

**Modifications etc. (not altering text)**

- C1** S. 5 excluded (22.4.2013) by Transport Act (Northern Ireland) 2011 (c. 11), ss. 39(2), 48(2); S.R. 2013/104, art. 2(i)
- C2** S. 5(7)(a) excluded (9.3.2006) by the Stormont Estate (Northern Ireland) Order 2006 (S.I. 2006/612 (N.I. 5)), arts. 1(2), 2(2)(a)

**Changes to legislation:**

There are currently no known outstanding effects for the Stormont Regulation and Government Property Act (Northern Ireland) 1933, Section 5.