



Local Government Act (Northern Ireland) 1972

1972 CHAPTER 9

PART VII

MISCELLANEOUS FUNCTIONS

LAND

95 Provisions of offices, halls, etc.

- (1) A council may provide and maintain offices, halls or other buildings to be used for the purpose of transacting the business of the council or for public meetings, assemblies or entertainments.
- (2) A council may acquire land otherwise than by agreement for the purposes of this section.

Modifications etc. (not altering text)

- C1 Ss. 95 - 98 applied by S.R 2004/49, art. 5 (as inserted (28.1.2008) by [Local Government \(Constituting a Joint Committee a Body Corporate\) \(Amendment\) Order \(Northern Ireland\) 2007 \(S.R. 2007/505\)](#), [art. 2\(5\)](#))
- C2 Ss. 95-98 applied (20.8.2008) by [Local Government \(Constituting a Joint Committee a Body Corporate\) Order \(Northern Ireland\) 2008 \(S.R. 2008/310\)](#), [art. 5](#)
- C3 Ss. 95-99 applied with modifications (2.4.2012) by [The Local Government \(Constituting Joint Committees as Bodies Corporate\) Order \(Northern Ireland\) 2012 \(S.R. 2012/10\)](#), arts. 1, [5](#)
- C4 Ss. 95-99 applied (1.4.2015) by [The Local Government \(Constituting a Joint Committee a Body Corporate\) Order \(Northern Ireland\) 2015 \(S.R. 2015/183\)](#), art. 1, [reg. 5](#)

Changes to legislation: There are currently no known outstanding effects for the Local Government Act (Northern Ireland) 1972. (See end of Document for details)

96 Acquisition, etc., of land.

- (1) The purposes for which a council may acquire and hold land shall include—
 - (a) the benefit of the inhabitants of its district;
 - (b) the improvement, development or future development of its district;
 and for the purposes of section 19(1)(a)(iv) of the Interpretation Act (Northern Ireland) 1954 and any other transferred provision those purposes shall be deemed to be included among the purposes for which the council is constituted.
- (2) The right of a council to acquire land may be exercised, notwithstanding that the land is not immediately required for any of the purposes for which the council is constituted; but the council shall not exercise that right by virtue of this subsection otherwise than with the approval of the Ministry.
- (3) Section 127 (disposal of superfluous lands) of the Lands Clauses Consolidation Act 1845 shall not apply with respect to any acquisition of land by a council, and sections 128 to 131 of that Act (right of pre-emption of former owners) shall not apply with respect to any land acquired by a council by agreement.
- (4) Without prejudice to section [F124(3) of the Local Government Finance Act (Northern Ireland) 2011], so much of section 19(1)(a)(iv) of the Interpretation Act (Northern Ireland) 1954 as confers a right to charge property shall not apply to a council.
- (5 ^{F2} The right of a council to dispose of land shall be subject to the following restrictions—
 - (a) except with the approval of the Ministry, any disposal of land shall be at the best price or for the best rent or otherwise on the best terms that can be reasonably obtained;
 - (b) any disposal of land which has been acquired otherwise than by agreement shall be subject to the right of pre-emption conferred by sections 128 to 131 of the Lands Clauses Consolidation Act 1845.
- (6) Subject to subsections (7) and (8), a council may appropriate land held by it to any purpose for which it has the right to acquire land.
- (7 ^{F3} Where land has been acquired by a council otherwise than by agreement for any purpose, the council shall not appropriate it to any other purpose unless the appropriation is approved by the Ministry.
- (8) Subsection (6) shall not authorise a council to fail to observe and perform any covenant or condition subject to which a gift or lease of any land has been accepted or made, without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

F1 Words in s. 96(4) substituted (1.4.2012) by [Local Government Finance Act \(Northern Ireland\) 2011 \(c. 10\)](#), ss. 45, 47(2), [Sch. 1 para. 2](#); S.R. 2011/306, [art. 2\(3\)](#)

F2 [1972 NI 20](#); [1992 NI 3](#)

F3 [1972 NI 20](#)

Modifications etc. (not altering text)

C3 [Ss. 95-99](#) applied with modifications (2.4.2012) by [The Local Government \(Constituting Joint Committees as Bodies Corporate\) Order \(Northern Ireland\) 2012 \(S.R. 2012/10\)](#), arts. 1, [5](#)

C4 [Ss. 95-99](#) applied (1.4.2015) by [The Local Government \(Constituting a Joint Committee a Body Corporate\) Order \(Northern Ireland\) 2015 \(S.R. 2015/183\)](#), art. 1, [reg. 5](#)

Changes to legislation: There are currently no known outstanding effects for the Local Government Act (Northern Ireland) 1972. (See end of Document for details)

- C5** Ss. 95 - 98 applied by S.R 2004/49, art. 5 (as inserted (28.1.2008) by Local Government (Constituting a Joint Committee a Body Corporate) (Amendment) Order (Northern Ireland) 2007 (S.R. 2007/505), **art. 2(5)**)
- C6** Ss. 95-98 applied (20.8.2008) by Local Government (Constituting a Joint Committee a Body Corporate) Order (Northern Ireland) 2008 (S.R. 2008/310), **art. 5**

97 Acquisition of land otherwise than by agreement.

- (1) Where a council desires to acquire land otherwise than by agreement for any purpose for which it is authorised by a transferred provision so to acquire land, it may apply to the Ministry concerned for an order (in this Act referred to as a “vesting order”) vesting the land in the council, and that Ministry may make a vesting order.
- (2) The provisions of Schedule 6 shall apply with respect to the making and effect of vesting orders.
- (3) ^{F4} The power to make a vesting order may be exercised over 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;
 but a vesting order shall not be made in relation to any such land, 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, unless the proposal has been approved by a resolution of each House of Parliament.
- (4) Nothing in this section shall authorise the acquisition, without the consent of the Ministry of Finance^{F5}, of any land on or in which there is, to the knowledge of that Ministry, any historic monument or archaeological object.
- (5) In subsection (4), “historic monument” and “archaeological object” have the same meanings as in^{F6} the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995].

F4 1981 NI 3; 1985 NI 1

F5 SR 1976/80

F6 1995 NI 9

Modifications etc. (not altering text)

- C3** Ss. 95-99 applied with modifications (2.4.2012) by The Local Government (Constituting Joint Committees as Bodies Corporate) Order (Northern Ireland) 2012 (S.R. 2012/10), arts. 1, **5**
- C4** Ss. 95-99 applied (1.4.2015) by The Local Government (Constituting a Joint Committee a Body Corporate) Order (Northern Ireland) 2015 (S.R. 2015/183), art. 1, **reg. 5**
- C7** Ss. 95 - 98 applied by S.R 2004/49, art. 5 (as inserted (28.1.2008) by Local Government (Constituting a Joint Committee a Body Corporate) (Amendment) Order (Northern Ireland) 2007 (S.R. 2007/505), **art. 2(5)**)
- C8** Ss. 95-98 applied (20.8.2008) by Local Government (Constituting a Joint Committee a Body Corporate) Order (Northern Ireland) 2008 (S.R. 2008/310), **art. 5**

Changes to legislation: There are currently no known outstanding effects for the Local Government Act (Northern Ireland) 1972. (See end of Document for details)

98 Power to enter on land.

- ^{F7}(1) A person authorised in writing by a council (in this section referred to as an “authorised person”) may, on production if required of his credentials, at any reasonable time enter any land—
- (a) for the purpose of survey, valuation or examination—
 - (i) where the council proposes to acquire the land otherwise than by agreement, or
 - (ii) where it appears to the council that survey, valuation or examination is necessary in order to determine whether any functions of the council should be exercised on or with respect to the land;
 - (b) for the purpose of exercising any function that the council has power to exercise on or with respect to the land;
 - ^{F8}(c) for the purpose of determining whether, and if so in what manner, such a function should be exercised.]
- (2) A power of entry under subsection (1) shall not be exercisable in relation to any land except—
- (a) with consent given by the occupier of the land; or
 - (b) where entry is sought for the sole purpose of examination, after at least twenty-four hours' notice of the intended entry has been served on the occupier or owner of the land; or
 - (c) where entry is sought for any other purpose, after at least six days' notice of the intended entry has been served on the occupier and on the owner, if the owner is known;
- but such consent or notice shall not be necessary where entry is sought under subsection (1)(b) and the case is one of emergency.
- (3) If any person, other than the owner or occupier of the land, knowingly prevents an authorised person from doing on the land any act that the authorised person is duly authorised to do or obstructs the authorised person in doing any such act, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding^{F9} level 3 on the standard scale].
- (4) If any person, being the owner or occupier of land, knowingly prevents an authorised person from doing on the land any act that the authorised person is duly authorised to do or obstructs the authorised person in doing any such act, a court of summary jurisdiction on proof thereof may order him to permit to be done on the land that act and all such things as are reasonably necessary to enable the act to be done or as are incidental to the doing of it; 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^{F9} level 2 on the standard scale].
- (5 ^{F10} Where under this section an authorised person enters any land, he shall ensure that the land is not left less secure by reason of the entry, and the council shall make good or pay compensation for any damage to property caused by the authorised person in entering the land, in doing any act on the land or in making the land secure.
- (6) Any question of disputed compensation under this section shall be referred to and determined by the Lands Tribunal.
- (7) Any reference in this section 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 which include all or any of the purposes of this section.

Changes to legislation: There are currently no known outstanding effects for the Local Government Act (Northern Ireland) 1972. (See end of Document for details)

- (8) Any power conferred by this section to survey land shall be construed as including power to ascertain or fix boundaries, or to search and bore for the purpose of ascertaining the course of any sewers or drains or of ascertaining the nature of the subsoil or the presence of minerals therein, or both, and to take and carry away, for the purpose of examination, specimens of the subsoil or minerals, or both, found therein.

F7 1978 NI 19

F8 1978 NI 19

F9 1984 NI 3

F10 1978 NI 19

Modifications etc. (not altering text)

- C3** Ss. 95-99 applied with modifications (2.4.2012) by [The Local Government \(Constituting Joint Committees as Bodies Corporate\) Order \(Northern Ireland\) 2012 \(S.R. 2012/10\)](#), arts. 1, **5**
- C4** Ss. 95-99 applied (1.4.2015) by [The Local Government \(Constituting a Joint Committee a Body Corporate\) Order \(Northern Ireland\) 2015 \(S.R. 2015/183\)](#), art. 1, **reg. 5**
- C9** Ss. 95 - 98 applied by S.R 2004/49, art. 5 (as inserted (28.1.2008) by [Local Government \(Constituting a Joint Committee a Body Corporate\) \(Amendment\) Order \(Northern Ireland\) 2007 \(S.R. 2007/505\)](#), **art. 2(5)**)
- C10** Ss. 95-98 applied (20.8.2008) by [Local Government \(Constituting a Joint Committee a Body Corporate\) Order \(Northern Ireland\) 2008 \(S.R. 2008/310\)](#), **art. 5**
- C11** S. 98 excluded (6.1.2013) by [The Pollution Prevention and Control \(Industrial Emissions\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/453\)](#), regs. 1, **30(14)** (with reg. 5, Sch. 3)
- C12** S. 98 excluded (20.6.2013) by [The Pollution Prevention and Control \(Industrial Emissions\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/160\)](#), regs. 1, **30(14)** (with reg. 5, Sch. 3)

Changes to legislation:

There are currently no known outstanding effects for the Local Government Act (Northern Ireland) 1972.