



Local Government Act (Northern Ireland) 1972

1972 CHAPTER 9

PART VIII

LEGAL AND ADMINISTRATIVE

LEGAL PROCEEDINGS

116 Power to prosecute or defend.

Where a council considers it expedient for the promotion or protection of the interests—

- (a) of the council;
- (b) of its district or of any part of its district;
- (c) of the inhabitants of its district or of any part of its district;

it may prosecute or defend any legal proceedings.

117 Appearance in legal proceedings.

A council may authorise any officer of the council, either in respect of matters of any class or in respect of any particular matter, to institute on its behalf proceedings before any court of summary jurisdiction or to appear on its behalf before a court of summary jurisdiction in any proceedings instituted by the council or on its behalf, and any officer so authorised shall be entitled to conduct any such proceedings on behalf of the council although he is not a practising solicitor.

Changes to legislation: Local Government Act (Northern Ireland) 1972 is up to date with all changes known to be in force on or before 28 February 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Modifications etc. (not altering text)

- C1** [S. 117](#) applied (with mods) (2.7.2013) by [The Local Government \(Statutory Transition Committees\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/179\)](#), regs. 1(1), 22, [Sch. 2](#)

118 Name of council need not be proved.

- (1) Subject to subsection (2), in any proceedings instituted by or against a council it shall not be necessary to prove the corporate name of the council or the constitution or limits of its district.
- (2) Nothing in subsection (1) shall prejudice the right of a party to any such proceedings to take or avail himself of any objection which he might have taken or availed himself of if that subsection had not been passed.

119 Evidence of resolutions, etc.

Save as otherwise provided in any statutory provision, production of a copy of or of any part of—

- (a) any minute of a meeting of a council or of a committee of a council; or
- (b) any resolution passed by a council or by a committee of a council; or
- (c) any standing orders made by a council;

upon which is endorsed a certificate purporting to be signed by the clerk of the council stating that—

- (i) the copy of, or of part of, the minute of the meeting is a true copy; or
- (ii) the resolution was passed at a specified meeting of the council or, as the case may be, the committee, or was so passed as a special resolution; or
- (iii) the standing orders were made in accordance with any statutory provision applicable thereto;

shall be evidence of the facts stated in the certificate and that in the case of a resolution passed by a committee, the committee had power to pass such a resolution, without proof of the handwriting or official position of any person purporting to sign a certificate in pursuance of this section.

Modifications etc. (not altering text)

- C2** [S. 119](#) applied (with mods) (2.7.2013) by [The Local Government \(Statutory Transition Committees\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/179\)](#), regs. 1(1), 22, [Sch. 2](#)

Changes to legislation:

Local Government Act (Northern Ireland) 1972 is up to date with all changes known to be in force on or before 28 February 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1)(ea) inserted by [2022 c. 37 Sch. 5 para. 3](#)
- s. 10(1) s. 10 renumbered as s. 10(1) by [2022 c. 37 Sch. 10 para. 3\(3\)\(a\)](#)
- s. 10(1)(a) words inserted by [2022 c. 37 Sch. 10 para. 3\(3\)\(b\)](#)
- s. 10(2) inserted by [2022 c. 37 Sch. 10 para. 3\(3\)\(c\)](#)
- Sch. 8 para. 1 repealed by [2010 c. 23 Sch. 2](#) (Amendment could not be applied - affected provision (Sch. 8) not available on [legislation.gov.uk](#))
- Sch. 8 para. 3 repealed by [2010 c. 23 Sch. 2](#) (Amendment could not be applied - affected provision (Sch. 8) not available on [legislation.gov.uk](#))