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SCHEDULES

SCHEDULE 1

Section 7.

DECLARATIONS ON ACCEPTANCE OF OFFICE

PART I

DECLARATION OF COUNCILLOR

I having been chosen Councillor for the District of hereby declare that I take the said office upon myself and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability ...

[^{F1F2}I affirm that I have read and will be guided by the Northern Ireland code of local government conduct in the performance of my functions as a councillor.]

F1	1992 NI 6
F2	1973 NI 10

Dated this day of Signed

Part II rep. by 1973 NI 10

SCHEDULE 2

Section 22.

MEETINGS AND PROCEEDINGS OF COUNCILS AND COMMITTEES

HOLDING OF MEETINGS

- 1 (1) The council shall in every year hold an annual meeting and such other meetings as the council thinks necessary for the transaction of general business.
- (2) Subject to sub-paragraph (3) the annual meeting shall be held in the month of June in every year.
- (3) In any year (^{F3}including 1973) which is a local election year, the annual meeting shall be held within the twenty-one days immediately following the election day at twelve noon, or at such other time as the council may fix, at the offices of the council or at such other place as the Ministry may direct.

Sub-paras.(4)(5) rep. by SLR 1980

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F3 1972 NI 21

CONVENING MEETINGS

- 2 (1) The chairman of the council may call a meeting of the council at any time.
- [^{F4}(2) If a requisition for a meeting of the council signed by five councillors or by one-fifth of the whole number of the councillors, whichever is the greater, is presented to the chairman of the council, he shall call a meeting of the council to be held within the period of fourteen days from the date of service of the requisition on him.
- (2A) If the chairman—
- (a) refuses to call a meeting of the council in accordance with sub-paragraph (2); or
 - (b) does not, within the period of seven days from the date of service of the requisition on him, call a meeting of the council in accordance with sub-paragraph (2),
- any five councillors or one-fifth of the whole number of the councillors, whichever is the greater, may on that refusal or on the expiration of that period forthwith call a meeting of the council.]
- (3) Three days at least before a meeting of the council—
- (a) notice of the time and place of the intended meeting shall be published at the offices of the council, and where the meeting is called by councillors the notice shall be signed by them and shall specify the business proposed to be transacted thereat; and
 - (b) a summons to attend the meeting, specifying the business proposed to be transacted thereat and signed by the clerk of the council, shall be left at or sent by ordinary post to the usual place of residence of every councillor.
- (4) Want of service of a summons under sub-paragraph (3)(b) shall not affect the validity of a meeting.

F4 1985 NI 15

CHAIRMAN OF MEETING

- 3 (1) At a meeting of the council the chairman of the council, if present, shall preside.
- (2) If the chairman of the council is absent from a meeting of the council, the vice-chairman of the council, if present, shall preside.
- (3) If both the chairman and the vice-chairman of the council are absent from a meeting of the council, such councillor as the councillors present may choose shall preside.
- [^{F5}(4) Nothing in this paragraph shall authorise any councillor to preside at so much of any meeting of the council during which the business of the election of a chairman or of a vice-chairman is transacted where that councillor is a candidate for election to the office of chairman or, as the case may be, of vice-chairman.]

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F5 1992 NI 6

QUORUM

- 4 (1) Subject to sub-paragraph (2), no business shall be transacted at a meeting of the council unless at least one-quarter of the whole number of councillors are present.
- (2) Where more than one-quarter of the councillors become disqualified at the same time, then, until the number of councillors in office is increased to not less than three-quarters of the whole number of councillors, the quorum of the council shall be determined by reference to the number of councillors remaining qualified instead of by reference to the whole number of councillors.

NAMES OF COUNCILLORS PRESENT TO BE RECORDED

- 5 The names of the councillors present at a meeting of a council shall be recorded by the clerk of the council.

PERSON AUTHORISED BY MINISTRY MAY ATTEND MEETINGS

- 6 A person authorised in writing by the Ministry in that behalf shall, at the request or with the agreement of the council, be entitled to attend any meeting of the council and to take part in the proceedings at the meeting, but not to vote.

DECISION ON QUESTIONS

- 7 (1) Subject to any statutory provision, all acts of a council and all questions coming or arising before a council shall be done and decided by a majority of the councillors present and voting thereon at a meeting of the council.
- (2) In the case of an equality of votes the person presiding at the meeting shall have a second or casting vote.

MODE OF VOTING

- [^{F68} (1) The mode of voting at meetings of the council shall, except as otherwise resolved by the council, be by show of hands.
- (2) On the requisition of any councillor the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.]

F6 1985 NI 15

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MINUTES

- 9 (1) Minutes of the proceedings of a meeting of a council, or of a committee or sub-committee thereof, shall be drawn up and entered in a bound book, or on loose leaves consecutively numbered, kept for that purpose, and shall be signed at the same or the next ensuing meeting of the council or, as the case may be, at the same or any subsequent meeting of the committee or sub-committee by the person presiding thereat, if approved by the meeting at which they fall to be signed.
- (2) Any minute purporting to be signed as mentioned in sub-paragraph (1) shall be received in evidence without further proof.
- (3) Until the contrary is proved, a meeting of a council or of a committee or sub-committee thereof in respect of the proceedings of which a minute has been so made and signed shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified, and where the proceedings are proceedings of a committee or sub-committee, the committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

STANDING ORDERS

- 10 Subject to the provisions of this Act, a council may make standing orders for the regulation of the proceedings of the council and business, and may vary or revoke any such orders.

VACANCIES, ETC., NOT TO INVALIDATE PROCEEDINGS

- 11 The proceedings of a council or of a committee or sub-committee thereof shall not be invalidated by any vacancy among its number or by any defect in the election or qualification of any of its members.

PROCEEDINGS OF COMMITTEES

- 12 (1) A council appointing a committee, and councils who concur in appointing a joint committee, may make, vary and revoke standing orders respecting the quorum, proceedings and place of meeting of the committee or joint committee, but subject to any such standing orders^{F7} and to section 22(2) to (4)] the quorum, proceedings and place of meeting shall be such as the committee or joint committee may determine.
- (2) The person presiding at a meeting of any committee or joint committee shall, in the case of an equality of votes, have a second or casting vote.

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SCHEDULE 3

Section 40.

THE STAFF COMMISSION

MEMBERS

- 1 Section 18(2) of the Interpretation Act (Northern Ireland) 1954 (except, in relation to members other than the chairman, so much of that section as relates to remuneration) shall apply to the appointment of members of the Staff Commission.

ALLOWANCES

- 2 The Staff Commission may pay—
- (a) to its chairman such remuneration; and
 - (b) to its chairman and its other members such reasonable allowances in respect of expenses properly incurred in the performance of their duties;
- as may be determined by the Ministry with the approval of the Ministry of Finance^{F8}.

F8 SR 1976/281

- [^{F9}2A The Staff Commission may make payments to its members for, or in relation to anything done in connection with, service as members of the Staff Commission and such payments shall be of an amount or rate to be determined by the Department with the approval of the Department of Finance and Personnel but not exceeding the amount or rate specified in or determined under the regulations under section 36(1).]

F9 1992 NI 6

EXPENSES

- 3 Before the commencement of each financial year the Staff Commission shall prepare an estimate of the amount of its total expenditure for that year.
- 4 In preparing the estimate mentioned in paragraph 3, the Staff Commission shall take into account any surplus or deficit accruing from previous years or estimated to accrue in the current year, and may also include such additional amount as is, in the opinion of the Staff Commission, required to meet contingencies.
- 5 The Staff Commission shall, with the approval of the Ministry, apportion the amount estimated in accordance with paragraphs 3 and 4 between expenditure arising from matters directly concerning councils [^{F10}, expenditure arising from matters directly concerning the Executive] and other expenditure.

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F10 1981 NI 3

- 6 Any question arising in connection with an apportionment under paragraph 5 shall be referred to and determined by the Ministry of Finance^{F11}.

F11 SR 1976/281

- 7 The amount apportioned under paragraph 5 as arising from matters directly concerning councils shall be further apportioned between all the councils in Northern Ireland rateably in proportion to the rateable value of the hereditaments in their districts, and the amount that is so further apportioned to each council shall be paid by that council to the Staff Commission at such time and in such manner as the Staff Commission directs.

- [^{F12}7A The amount apportioned under paragraph 5 as arising from matters directly concerning the Executive shall be paid to the Staff Commission by the Executive at such time and in such manner as the Staff Commission directs.]

F12 1981 NI 3

- 8 Any sum which is payable by a council [^{F13} or, as the case may be, by the Executive] to the Staff Commission under paragraph 7 [^{F13} or paragraph 7A] shall be a debt recoverable from the council [^{F13} or the Executive] by the Staff Commission.

F13 1981 NI 3

- 9 The amount apportioned under paragraph 5 as other expenditure shall be defrayed as expenses of the Ministry.

BORROWING

- 10 The Staff Commission may borrow, by way of temporary loan or overdraft from a bank or otherwise, any sum which the Staff Commission temporarily requires for the purpose of defraying expenses pending the receipt of revenues receivable by it.

ACCOUNTS, ETC., AND AUDIT

- 11 The Staff Commission shall keep such accounts and records as the Ministry directs.
- 12 The accounts of the Staff Commission shall be audited annually by a local government auditor, and the provisions of^{F14} this Act with respect to audit shall apply to that audit subject to such modifications as the Ministry directs.

F14 prosp. words subst. by 2005 NI 18

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INFORMATION, REPORTS AND RETURNS

- 13 The Staff Commission shall—
- (a) make such reports and returns, and
 - (b) give such information with respect to the exercise of its functions, to the Ministry, within such period, as the Ministry directs.

^{F15}SCHEDULE 4

Section 50.

LOCAL GOVERNMENT BOUNDARIES COMMISSIONER

F15 Sch. 4 substituted (17.5.2006) by [Local Government \(Boundaries\) \(Northern Ireland\) Order 2006 \(S.I. 2006/1253 \(N.I. 8\)\)](#), arts. 1(2), 4(2), **Sch. 1**

PART I

APPOINTMENT, ETC.

INTERPRETATION

- 1 In this Schedule “the Commissioner” means a Local Government Boundaries Commissioner.

APPOINTMENT

- 2 Section 18(2) of the Interpretation Act (Northern Ireland) 1954 shall apply to the appointment of the Commissioner, with the omission of paragraph (b)(iii) of that section.
- 3 The Commissioner shall be appointed on such terms and conditions as the Ministry, with the approval of the Ministry of Finance^{F16}, determines before his appointment.

F16 SR 1976/281

- 4 The appointment of the Commissioner shall terminate on such date after he submits his report under section 50(4) as the Ministry determines.

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ASSISTANT COMMISSIONERS AND ASSESSORS

- 5 (1) The Ministry may, at the request of the Commissioner, appoint one or more Assistant Commissioners on such terms and conditions as the Ministry, with the approval of the Ministry of Finance^{F17}, determines before the appointment.
- (2) The Registrar General of Births, Deaths and Marriages for Northern Ireland, the Commissioner of Valuation^{F18}, the Chief Survey Officer of Ordnance Survey for Northern Ireland and the Chief Electoral Officer for Northern Ireland] shall be assessors to the Commissioner.

F17 SR 1976/281

F18 [1992 NI 6](#)

OFFICERS

- 6 The Ministry shall appoint a secretary and such other officers to assist the Commissioner as it, with the approval of the Ministry of Finance^{F19}, may determine and the terms and conditions of any such appointment shall be such as may be so determined.

F19 SR 1976/281

REMUNERATION AND EXPENSES

- 7 The remuneration and expenses of the Commissioner, Assistant Commissioners and the secretary and any staff appointed under paragraph 6 shall be charged on and paid out of the Consolidated Fund.

INTERIM REPORTS

- 8 The Commissioner may, if he thinks fit, submit interim reports to the Minister before making his final report under section 50(4).

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PART II

PROCEDURE

- 1 As soon as possible after his appointment the Commissioner shall—
 - (a) make a public announcement to the effect that he has commenced his task; and
 - (b) invite proposals (including, where he is appointed under section 50(2), proposals for modifying the proposals he has been appointed to consider) from councils, political parties, associations, organisations and individual members of the public.

- 2 Where the Commissioner has been appointed under section 50(1) and has provisionally determined to make recommendations with respect to a district or the wards within a district, or where he has been appointed under section 50(2) to consider any proposals affecting a district or such wards he shall publish in at least two newspapers circulating in the district a notice—
 - (a) setting out the provisional recommendations or the proposals or specifying places and times at which copies of the provisional recommendations or the proposals may be inspected; and
 - (b) stating that representations in writing with respect to the provisional recommendations or the proposals may within one month^{F20}, or such longer period as the Commissioner may determine, being a period not exceeding 2 months,] from the date of the last publication of the notice be made to the Commissioner in the manner specified in the notice;and the Commissioner shall take into consideration any representations made in accordance with that notice.

F20 1992 NI 6

- 3 (1) Where a notice under paragraph 2 has been published with respect to any district and the period specified in that notice for the receipt of representations has elapsed the Commissioner may, after giving public notice thereof, cause to be held in that district a public hearing in respect of the boundary and name of the district and the number, boundaries and names of the wards within that district (or such of those matters as are affected by the review or proposals in question).
- (2) Where, on publication of a notice under paragraph 2 with respect to any district, the Commissioner receives any representations duly made in accordance with the notice objecting to the recommendations he has provisionally determined to make or, as the case may be, the proposals he has been appointed to consider—
 - (a) from the council of the district, or
 - (b) from not less than one hundred local electors registered by virtue of a qualifying address in the district,the Commissioner shall not make the recommendations or recommend the implementation of the proposals, unless, since the publication of the notice, a public hearing such as is mentioned in sub-paragraph (1) has been held in the district.

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- 4 The Commissioner may cause additional hearings to be held in such manner as he directs.
- 5 The Commissioner may direct any hearing under paragraph 3 or 4 to be held before an Assistant Commissioner.
- 6 The Commissioner, after taking into consideration the representations, if any, made in accordance with a notice published under paragraph 2 or made at a hearing under paragraph 3 or 4, may revise any provisional recommendations or, where he has been appointed to consider any proposals, may provisionally determine to recommend modifications of the proposals, and where he does so he shall comply again with paragraph 2 but shall not be required to hold a public hearing following any representations he may receive with respect to those recommendations as revised or proposals as provisionally modified.
- 7 Subject to the foregoing provisions of this Part, the Commissioner shall have power to regulate his own procedure.
- 8 Every document purporting to be an instrument made or issued by the Commissioner and to be signed by the secretary or any person authorised by the Commissioner to act in that behalf shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Commissioner.

PART III

RULES IN ACCORDANCE WITH WHICH RECOMMENDATIONS OF THE COMMISSIONER ARE TO BE MADE

- 1 Regard shall be had to the desirability of determining district and ward boundaries which are readily identifiable.
- 2 A townland shall not, except where in the opinion of the Commissioner it is unavoidable, be included partly in one district or ward and partly in another.
- 3 As far as practicable a district shall not be wholly or substantially severed by the boundary of another district and shall not be wholly or substantially encompassed within the boundary of another district.
- 4 In determining the number and boundaries of wards within a district regard shall be had to—
- (a) the size, population and physical diversity of the district; and
 - (b) the desirability that there should be a proper representation of the rural and urban electorate within the district.

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- 5 It shall be taken that each ward shall return one member to the council of the district in which it is situated.
- 6 (1) In each district, except the City of Belfast, the number of wards shall be fifteen but—
- (a) where having regard to either paragraph 4(a) or 4(b) the Commissioner considers it desirable that the number of wards in any district should be more than fifteen the number of wards in that district may be increased to not more than twenty-five;
 - (b) where having regard to both paragraphs 4(a) and 4(b) the Commissioner considers it desirable that the number of wards in any district should be more than twenty-five the number of wards in that district may be increased to not more than thirty.
- (2) In the City of Belfast the number of wards shall be not less than forty and not more than sixty.
- 7 (1) Within any one district there shall, as far as is reasonably practicable having regard to paragraph 4, be substantially the same number of local electors in each ward.
- (2) For the purposes of sub-paragraph (1) it shall be taken that the electors in each ward are the persons registered as local electors, by virtue of a qualifying address within that ward, in the register of electors last published before the making of the announcement mentioned in paragraph 1 of Part II.

SCHEDULE 5

Section 65.

SINKING FUNDS

- 1 If a council determines to repay by means of a sinking fund any sums borrowed by it, the sinking fund shall be formed and maintained either—
- (a) by payment to the fund throughout the fixed period of such equal annual sums as will be sufficient to pay off within that period the money for the repayment of which the sinking fund is formed; or
 - (b) by payment to the fund throughout the fixed period of such equal annual sums as, with accumulations at such rate as the Ministry may in any particular case approve, will be sufficient to pay off within that period the money for the repayment of which the sinking fund is formed.
- In this Schedule a sinking fund formed under head (a) is referred to as “a non-accumulating sinking fund” , and a sinking fund formed under head (b) as “an accumulating sinking fund” ; and “the fixed period” has the same meaning as in section 66.
- 2 Every sum paid to a sinking fund shall, unless applied in repayment of the money for the repayment of which the sinking fund is formed be immediately invested in a security or securities in which trustees are entitled by law to invest trust funds, and the council may vary and transpose the investments.

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- 3 In the case of an accumulating sinking fund, the interest received in any year from the investment of the sums set apart for the purposes of the sinking fund shall form part of the revenue for that year of the district fund, but the contribution to be made to the sinking fund out of the district fund shall in that year be increased by a sum equal to the interest that would have accrued to the sinking fund during that year if interest had been accumulated therein at the rate per cent. per annum on which the annual payments to the sinking fund are based.
- 4 (1) A council may at any time apply the whole or any part of a sinking fund in or towards the discharge of the money for the repayment of which the sinking fund was formed.
- (2) Where an accumulating sinking fund or part of such a fund is applied as mentioned in sub-paragraph (1), the council shall pay into the fund each year and accumulate during the residue of the fixed period a sum equal to the interest which would have been produced by the sinking fund or part thereof so applied if invested at the rate per cent. per annum on which the annual payments to the sinking fund are based.
- 5 Any surplus of a sinking fund remaining after the discharge of the whole of the money for the repayment of which it was formed shall be applied to such capital purpose as the council, with the consent of the Ministry, determines.
- 6 If at any time it appears to the council that the amount in a sinking fund, together with the sums which will be payable thereto in accordance with the provisions of this Schedule, and, in the case of an accumulating sinking fund, with the accumulations thereon, will not be sufficient to repay within the fixed period the money for the repayment of which the sinking fund is formed, the council shall, either temporarily or permanently, make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose, and if it appears to the Ministry that any such increase is necessary, the council shall increase the payments to such extent as the Ministry may direct.
- 7 If the council desires to accelerate the repayment of any money borrowed by it, it may increase the amounts payable to the sinking fund.
- 8 If the amount in a sinking fund, together with the sums which will be payable thereto in accordance with the provisions of this Schedule, and also, in the case of an accumulating sinking fund, together with the accumulations thereon, will in the opinion of the Ministry be more than sufficient to repay within the fixed period the money for the repayment of which the sinking fund is formed, the council may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Ministry be sufficient to repay within the fixed period the money for the repayment of which the sinking fund is formed.
- 9 If at any time the amount in a sinking fund, together with the accumulations thereon in the case of an accumulating sinking fund, will in the opinion of the Ministry be sufficient to repay the money for the repayment of which the sinking fund is formed

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within the fixed period, the Ministry may authorise the council to suspend the annual payments to the sinking fund until the Ministry otherwise directs.

F21F22F23 SCHEDULE 6

Section 97.

ACQUISITION OF LAND BY VESTING ORDER

- F21** 1972 NI 9, 1972 NI 14, 1972 NI 17, 1972 NI 20, 1973 NI 1, 1973 NI 2, 1973 NI 16, 1973 NI 21, 1977 NI 7, 1980 NI 11, 1981 NI 3
F22 Mod. 1998 c.32
F23 mod. 2000 c.32

Modifications etc. (not altering text)

- C1** Sch. 6 applied (with modifications) (1.7.2006) by Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), **11(4)** (with arts. 49, 62); S.R. 2006/257, **art. 2(a)**
C2 Sch. 6 applied (with modifications) (1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), 216, **Sch. 7 para. 5** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)
C3 Sch. 6 modified by S.I. 1989/490 (N.I. 2), Sch. 3 (as substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), art. 5(1), **Sch. 2 Pt. 1 para. 1(10)**)
C4 Sch. 6 applied (with modifications) (1.10.2008) by Libraries Act (Northern Ireland) 2008 (c. 8), **ss. 5(4), 12(2)** (with s. 5(5)); S.R. 2008/396, **art. 2(d)**
C5 Sch. 6 applied (with modifications) (13.9.2010) by Forestry Act (Northern Ireland) 2010 (c. 10), **ss. 5(3), 39(1), Sch. 1 para. 2** (with s. 37); S.R. 2010/309, **art. 2**, Sch.

PRELIMINARY PROCEDURE

- 1 A council which proposes to acquire land otherwise than by agreement may submit to the Ministry concerned (in this Schedule referred to as “the Ministry”) an application in the prescribed form for a vesting order in respect of the land specified in the application.
- 2 Notice of the application, in such form and manner as the Ministry directs,—
- (a) shall be published by the council on at least two occasions in the locality in which the land is situated;
 - (b) shall be served by the council on every person appearing to the council to have an estate in the land;
 - (c) shall also be served by the council on such government departments and public bodies as may be prescribed.

MAKING OF VESTING ORDER

- 3 (1) After the expiration of one month from the date of the last publication of the notice mentioned in paragraph 2(a), the Ministry,—
- (a) after considering all representations which have been made to the Ministry by any interested party; and

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- (b) after causing a local inquiry to be held (unless no representations have been made, or any representations have been met or withdrawn or relate solely to the amount of compensation, or are representations which the Ministry is satisfied are solely of a frivolous or vexatious nature);

may,—

- (i) make a vesting order, which may contain any modifications of the council's proposal that the Ministry thinks proper, vesting in the council all or any part of the land for an estate in fee simple or for such other estate as may be specified in the vesting order; or
- (ii) refuse to make the order.
- (2) If a local inquiry is held as aforesaid, the council and any person interested in the land, and such other persons as the person holding the inquiry may allow, shall be permitted to appear, in person or by a representative, and to be heard at the inquiry, and, before making or refusing a vesting order, the Ministry shall consider the report of the person who held the inquiry.

- 4 A vesting order shall contain such provisions as the Ministry thinks necessary or expedient for carrying it into effect, and may provide for the suspension of the operation of the vesting order, or any part thereof, until the council has paid, or made provision to the satisfaction of the Ministry for the payment of, compensation to persons who have an estate in the land to which the vesting order relates, or in land likely to be injuriously affected by the works proposed to be carried out by the council.

VALIDITY AND OPERATION OF VESTING ORDERS

- 5 (1) The following provisions of this paragraph shall have effect with respect to the validity of a vesting order and the date on which such an order is to come into operation—
- (a) as soon as may be after a vesting order has been made the council shall publish in the prescribed form and manner a notice, stating that the vesting order has been made and naming a place where a copy of the vesting order and of any map or plan referred to in it may be seen at all reasonable hours, and shall serve a like notice on every person who, having given notice to the Ministry of his objection to the application for the vesting order, appeared at a local inquiry in support of his objection;
- (b) if any person aggrieved by a vesting order desires to question its validity on the ground that it is not within the powers conferred by this Act or that the procedure specified in this Schedule has not been complied with, he may, within one month from the publication of the notice of the making of the vesting order, make an application for the purpose to the High Court in accordance with rules of court, and on such an application the court—
- (i) may by interim order suspend the operation of the vesting order, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings;
- (ii) if satisfied upon the hearing of the application that the vesting order is not within the powers conferred by this Act, or that the interests of the applicant have been substantially prejudiced by any requirement of this Schedule not having been complied with, may quash the

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- vesting order either generally or in so far as it affects any property of the applicant;
- (iii) if not so satisfied, shall dismiss the application;
- (c) subject to head (b), a vesting order or the making of such an order shall not be questioned in any legal proceedings whatsoever, and a vesting order shall become operative at the expiration of a period of one month from the date on which the notice of the making thereof is published in accordance with the provisions of head (a);
- (d) as soon as may be after a vesting order has become operative the council shall serve on every person appearing to it to have an estate in the land to which the vesting order relates either a copy of the vesting order or a notice in the prescribed form stating that the vesting order has become operative and naming a place where a copy of the vesting order and of any map or plan referred to therein may be seen at all reasonable hours and may be obtained free of charge upon written request made by or on behalf of any person having an estate in the land.
- (2) Notice of a vesting order that has become operative shall be served by the council on such government departments and public bodies as may be prescribed.
- 6 (1) Subject to sub-paragraph (3), a vesting order shall operate, without further assurance, to vest in the council, as from the date on which the vesting order becomes operative (in this Schedule referred to as “the date of vesting”), an estate in fee simple or such other estate (if any) in, to or over the land to which it relates as is therein specified, freed and discharged from all claims or estates whatsoever (except as is specified in the order).
- (2) To the extent to which compensation is payable in accordance with the provisions of this Schedule, as from the date of vesting the rights and claims of all persons in respect of any land acquired by the vesting order shall be transferred and attached to the fund out of which the expenses of the council in acquiring the land are to be defrayed (in this Schedule referred to as “the compensation fund”), and shall be discharged by payments out of the compensation fund.
- (3) Where a vesting order relates to registered land, the council, before lodging the vesting order with the Registrar of Titles, shall endorse upon the vesting order the date on which it would have become operative were it not for the provisions of this sub-paragraph, and in relation to such land the date of vesting shall, notwithstanding anything in sub-paragraph (1), be the date so endorsed or the date on which the order is so lodged, whichever is the later, and that sub-paragraph shall have effect accordingly.
- 7 A vesting order, or the title created by such an order (if it relates to registered land), shall forthwith upon lodgment of the order, be registered in the Registry of Deeds or, as the case requires, the Land Registry.
- 8 ^{F24} Where a vesting order relates to any land forming part of a holding which is subject to the future payment of an annuity under the Land Purchase Acts, it shall not be necessary for any consent or authority for the sub-division of the holding to be given under any provision of those Acts, other than the consent of the Ministry of Finance to any apportionment of the annuity.

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- 9 On and after the date of vesting the council or any person authorised by the council may enter upon and use the land to which the vesting order relates.
- 10 (1) Section 92 of the Lands Clauses Consolidation Act 1845 shall not have effect in relation to any acquisition of land by means of a vesting order.
- (2) Where a vesting order applies to part only of a house, building or factory, a person having an estate in the whole thereof may, within six weeks from the date on which the order becomes operative, serve a notice on the council, requiring the council to acquire the remainder thereof.
- (3)^{F25} Where a notice is served on the council under sub-paragraph (2) the council shall acquire the remainder of the house, building or factory unless the Lands Tribunal determines that the acquisition of the part thereof acquired by means of the vesting order has not caused material detriment to the house, building or factory.
- (4) Where the council acquires the remainder of a house, building or factory in pursuance of sub-paragraph (3), any question as to the amount payable in respect thereof shall be determined as if that remainder had been acquired by means of a vesting order.

F25 1973 NI 21

REFERENCE OF DISPUTED CASES TO THE LANDS TRIBUNAL

- 11 (1) As soon as a vesting order has become operative, any question of disputed compensation arising between the council and any person who—
- (a) has an estate in any land to which the vesting order relates or would have such an estate if the order had not become operative, or
- (b) has an estate in any land injuriously affected by the works proposed to be carried out by the council,
- shall be referred to and determined by the Lands Tribunal.
- (2) Where the person entitled to compensation under this Schedule is not known or cannot be found or neglects or refuses to produce his title or to claim the compensation, or where a person claiming compensation is not absolutely entitled to the compensation or is under any disability the council may refer to the Lands Tribunal any question in connection with the compensation and that question shall be deemed to be a question of disputed compensation for the purposes of this Schedule.
- (3)^{F26} Where a vesting order relates to land forming part of a holding which is subject to the payment of an annuity under the Land Purchase Acts, the council shall give to the Ministry of Finance notice in the prescribed form of any agreement for the payment of compensation by the council to any person who has an estate in the land, and if the Ministry of Finance notifies the council of its intention to bring before the Lands Tribunal any question with respect to the apportionment or redemption of the annuity, that question shall be deemed to be a dispute between the Ministry of Finance and any person claiming compensation in relation to the lands and the provisions of this Schedule shall apply as they apply to a question of disputed compensation.

F26 1982 NI 6

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- 12 (1) When any question of disputed compensation arises, the council shall as soon as practicable thereafter cause to be made out such maps and schedules as may be prescribed of any lands to which the vesting order relates and of any other lands which, it is claimed, may be injuriously affected by the works proposed to be carried out by the council (in this Schedule referred to as “the scheduled lands”), together with the names, so far as they can be reasonably ascertained, of all persons who immediately prior to the making of the vesting order were interested in the lands as owners or reputed owners, lessees or reputed lessees, or occupiers.
- (2) The council shall deliver to the appropriate officer of the Lands Tribunal one copy of each of the maps and schedules certified by the clerk of the council as correct, and shall publish, in such form and manner as the Ministry directs, a notice stating that such documents have been delivered and the times and place at which copies of them may be inspected by any person desiring to inspect them.

SPECIAL POWERS OF THE LANDS TRIBUNAL

- 13 (1) The Lands Tribunal shall have the same power of apportioning any rent-service, rent-charge, chief or other rent, payment or incumbrance as two justices have under the Lands Clauses Consolidation Act 1845 .
- (2) Subject to the provisions of paragraph 16, the amount of compensation to be paid in pursuance of section 124 of the Lands Clauses Consolidation Act 1845 in respect of any estate in any of the scheduled lands which the council has through mistake or inadvertence failed or omitted duly to make compensation for, shall be awarded by the Lands Tribunal and paid in like manner, as nearly as may be, as the same would have been awarded and paid if the claim of such estate had been delivered to the Lands Tribunal before the day fixed for the delivery of statements of claim.
- (3)^{F27} In determining the amount of any disputed compensation, the Lands Tribunal shall have regard to the extent to which any remaining and contiguous land, belonging to the same proprietor, may be benefited by any proposed work or any proposed use of land for which the land to which the vesting order relates is acquired by the council.
- (4) In determining the amount of any disputed compensation, the Lands Tribunal shall not award any sum of money for or in respect of any improvement or alteration made, or building erected, after the date of the first publication by the council of the notice mentioned in paragraph 2 if, in the opinion of the Lands Tribunal, the improvement, alteration, or building in respect of which the claim is made was made or erected with a view to obtaining or increasing compensation; nor, in respect of any estate created after the said date in any land to which the vesting order relates, shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid in respect of the acquisition of the land.

F27 1973 NI 21

SATISFACTION OF CLAIMS

- 14 (1) The council, on paying to any person any compensation (whether the amount has been settled by agreement or determined by the Lands Tribunal), shall obtain from

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that person a receipt in the prescribed form, which shall be prepared by, and executed at the cost of, the council, and the receipt shall operate to release the compensation fund from all claims by the person giving it and all parties claiming through or under him.

- (2) The council shall pay the costs reasonably incurred by any person claiming compensation, to whom compensation is found due, of furnishing any statement, abstract or other evidence of title required by the council to be furnished by him.
- 15 (1) Where the compensation payable (whether the amount thereof has been settled by agreement or determined by the Lands Tribunal) to any person does not exceed the sum of £100, and the claimant makes a statutory declaration in the prescribed form stating whether he claims as absolute or as limited owner, and gives prima facie evidence which satisfies the council that for not less than six years immediately preceding he, or his immediate predecessor in title, has been personally or by an agent in receipt of the rents or profits, or in actual occupation, of the land in respect of which compensation is payable, the council may pay to the person claiming as absolute owner the compensation payable for the estate in respect of which he claims, and, where a person claims as limited owner of any estate, the council may pay the compensation payable for that estate to the trustees of the settlement under which the limited owner claims.
- (2) Where any compensation not exceeding the sum of £100 is payable in respect of an estate which is subject to any mortgage or charge (not being a charge consisting of an annuity under the Land Purchase Acts or a charge in respect of any sums repayable in respect of a loan made by any government department), the compensation may be paid to the person entitled to the mortgage or charge, or, if there is more than one such mortgage or charge, then the person entitled to the mortgage or charge which is first in priority, and the amount so paid shall be received in reduction of the principal sum for the time being owing in respect of the mortgage or charge, notwithstanding any direction, proviso or covenant to the contrary contained in any instrument; and where the compensation is paid to a mortgagee or chargeant, the receipt given by the mortgagee or chargeant shall release the compensation fund from all claims by him and any subsequent mortgagee or chargeant, and also from all claims by the person creating the mortgage or charge and all persons claiming through or under that person.
- (3) A memorandum of the amount paid under sub-paragraph (2) shall, when practicable, be endorsed on the instrument creating the mortgage or charge, and shall be signed by the person receiving the compensation, and a copy of the memorandum shall be furnished by the council at its expense to all persons appearing to the council to be entitled to any estate in the land subject to the mortgage or charge.
- 16 Any person claiming to be entitled to any money paid to another person pursuant to the foregoing provisions of this Schedule may, within six years after the payment has been made, on giving such notice as may be required by rules of court or, as the case requires, county court rules, apply for relief to the High Court, where the amount exceeds 1,000, or to the county court within the jurisdiction of which the land in respect of which the money has been paid is situated, where the amount claimed does not exceed 1,000; and the court may either dismiss the application, or give judgment or make a decree against the council for the amount found due in respect of the claim, and any sum so awarded shall be a debt due to the council by the person to whom the money was paid by it, arising at the date of the judgment or decree.

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- 17 ^{F28}(1) Where the amount of compensation has been determined but for some reason it is not possible for the council to obtain a good discharge therefor,—
- (a) if the total amount of the compensation does not exceed £1,000, the council shall pay the money into the county court and that court shall have with respect thereto all the jurisdiction exercisable by the High Court under the Lands Clauses Acts;
 - (b) if the total amount of the compensation exceeds £1,000, the amount payable by the council shall be paid, applied and dealt with in accordance with the provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase money or compensation coming to parties having limited interests, or prevented from treating, or not making title, and those provisions shall have effect accordingly.
- (2) Money paid into the county court or, as the case may be, the High Court under sub-paragraph (1) shall, subject to county court rules or rules of court, be dealt with according to the orders of the court.
- (3) The payment of the compensation in the manner provided by sub-paragraph (1) shall operate to discharge the compensation fund from all claims and interests in respect of which the compensation is payable.

F28 1973 NI 21

- 18 (1) The council shall pay interest upon the compensation money from the date of the vesting of the land in respect of which the compensation is payable until the time of the payment of the money and interest to the party entitled thereto, or, where such compensation is paid into court, then until the sum with such interest is paid into court accordingly.
- (2) The rate of interest payable under this paragraph shall be such rate as is determined by order made by the Ministry of Finance.

Modifications etc. (not altering text)

- C6** Sch. 6 para. 18 applied (1.2.2007) by [Water Abstraction and Impoundment \(Licensing\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/482\)](#), reg. 22(4), **Sch. 2 para. 7** (with reg. 3)(1)

PAYMENT OF MINISTRY'S COSTS BY COUNCIL

- 19 (1) All costs incurred by the Ministry in carrying the provisions of this Schedule into execution in connection with the acquisition of land by the council shall be paid by the council.
- (2) Where any costs are incurred as mentioned in sub-paragraph (1), the Ministry shall—
- (a) prepare a statement of the costs and send it to the council;
 - (b) consider any representations that are made by the council, within such period as the Ministry specifies, as to the reasonableness of the costs; and
 - (c) certify the amount of the costs.
- (3) A certificate under sub-paragraph (2)(c) shall be evidence of the amount of the costs.

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- (4) The amount of the costs shall be a debt recoverable summarily by the Ministry from the council.

INTERPRETATION

- 20 (1) For the purposes of this Schedule the interest of a grantee under a fee farm grant shall be deemed to be a lesser estate than a fee simple.
- (2) In this Schedule “the Ministry” has the meaning assigned to it by paragraph 1.

SCHEDULE 7

Section 142.

PROVISIONS APPLIED TO JOINT COMMITTEES

<i>Section</i>	<i>General subject matter of provision</i>
6	Penalties for acting while disqualified.
[^{F29} 22(2)#(4)]	[^{F29} Duty to adopt certain procedural standing orders.]
23	Admission of public to meetings.
24	Information to be given as to meetings.
25	Facilities for newspaper representatives.
26	Certain publications to be privileged.
27	Savings.
28	Disclosure of councillors' pecuniary interests and disability from voting on account thereof.
29	Restrictions on application of section 28.
30	Relatives of councillors.
31	Recovery of wrongful gains and remedies against councillor guilty of reprehensible conduct.
32	Ancillary powers of the High Court in exercising jurisdiction under section 31.
33	Time limit for proceedings under sections 28, 30 and 31.
36	Payments to councillors.
39	Insurance against accidents to councillors.
40	The Staff Commission.
41	Appointment and qualification of officers.

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42	Councillors not to be appointed officers.
...	#
F30	
44	Retirement of officers.
45	Insurance against default of officers.
46	Duty of officers to disclose pecuniary interest.
47	Publication of acceptance of unauthorised fee or reward.
[^{F31} 47A]	[^{F31} Delegation of functions to officers.]
48	Protection for officer acting in execution of duty.
F32	F32
76	Audit of accounts of councils.
F32	F32
77	Duties of officers as to audit.
[^{F29} 77A]	[^{F29} Confidentiality of officers' records.]
F32	F32
78	Production of, and declarations as to, documents.
F32	F32
79	Right of objection.
F32	F32
80	Auditor's report.
[^{F31} 81]	[^{F31} Declaration that item of account is unlawful.]
[^{F31} 82]	[^{F31} Recovery of amount not accounted for, etc.]
[^{F29} 107]	[^{F29} Contributions for development of trade, tourism, and cultural activities.]
[^{F29} 108]	[^{F29} Contributions to other voluntary bodies.]
[^{F29} 110]	[^{F29} Information centres.]
112	Insurance.
[^{F29} 115]	[^{F29} Expenditure for special purposes.]
[^{F29} 115A]	[^{F29} Prohibition of political publicity.]
[^{F29} 115B]	[^{F29} Codes of recommended practice as regards publicity.]

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[^{F29} 115C]	[^{F29} Separate account of expenditure on publicity.]
[^{F29} 115D]	[^{F29} Sections 115A to 115C: supplementary provisions.]
119	Evidence of resolutions, etc.
121	Inspection of documents.
122	Public notices.
123	Penalty for destroying notices.
124	Authentication of documents.
125	Custody of records.
127	Information, reports and returns.
128	Inquiries and investigations.
146	Interpretation: pecuniary interests.
148	General interpretation.

F29	1992 NI 6
F30	1973 NI 10
F31	1985 NI 15
F32	prosp. entries rep. by 2005 NI 18

Schedule 8—Amendments

Schedule 9—Repeals

Status:

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