



Local Government Act (Northern Ireland) 1972

1972 CHAPTER 9

PART II

MEMBERS, MEETINGS AND PROCEDURE

PECUNIARY INTERESTS

32 Ancillary powers of the High Court in exercising jurisdiction under section 31.

^{F1}(1) Without prejudice to anything contained in section 31, a judge of the High Court exercising jurisdiction under that section may—

- (a) refer to a special referee for inquiry or report any question arising in the exercise of such jurisdiction;
 - (b) appoint one or more inspectors to investigate and report on any relevant transaction within the meaning of section 31 or the affairs of any council or, in connection with any such transaction, the membership of any company or otherwise with respect to a company for the purposes of determining the true persons who are or have been financially interested in the company or able to control or materially to influence the policy of the company.
- (2) A referee or inspector holding any inquiry or conducting any investigation under subsection (1) may for the purposes thereof—
- (a) by notice require any person to attend at the time and place set forth in the notice to give evidence or to produce any books or documents in his custody or under his control which appear to relate to any matter in question at the inquiry or investigation;
 - (b) by notice require any person to furnish within such reasonable period as is specified in the notice such information relating to any such matter as the person holding the inquiry or conducting the investigation thinks fit and as the person so required is able to furnish; and
 - (c) administer oaths and examine witnesses on oath.

Status: Point in time view as at 01/04/2012.

Changes to legislation: There are currently no known outstanding effects for the Local Government Act (Northern Ireland) 1972, Section 32. (See end of Document for details)

- (3) Any person who refuses or fails to attend in obedience to a notice under subsection (2) or to give evidence, or who wilfully alters, suppresses, conceals, destroys or refuses or fails to produce any book or document which he is required by any such notice to produce or who refuses or fails to furnish any information which he is required to furnish under subsection (2)(b) shall be deemed to be guilty of contempt of the High Court.
- (4) Without prejudice to subsection (2), an inspector appointed under subsection (1)(b) to investigate the affairs of a council or the membership of a company may exercise in relation to that council or company all the powers of^{F2} an inspector appointed under section 431 of the Companies Act 1985; and accordingly sections 433 to 436 of that Act (powers etc) apply for the purposes of an investigation by an inspector appointed under subsection (1)(b) above as they apply for the purposes of an investigation by an inspector appointed under section 431 of that Act.]
- (5) The finding or report of a referee or inspector acting under subsection (1) may be accepted and acted upon by a judge of the High Court either in whole or in part.
- (6) The remuneration of a referee or inspector under this section shall be determined by a judge of the High Court.
- (7) Where in the course of proceedings under section 31 it appears to the High Court that the conduct of any councillor or officer of a council, other than the councillor against whom those proceedings were instituted, may have been reprehensible within the meaning of that section, the Court may direct that such councillor or officer be made a party to the proceedings and that a notice be served on him informing him that he has been made such a party and that it appears to the Court that his conduct may have been reprehensible as aforesaid and requiring him—
- (a) to furnish to the Court such documents or information in his possession or control as may relate to any relevant transaction within the meaning of section 31 or to any matter arising out of such a transaction or as may be specified in the notice; and
 - (b) to attend and be examined on oath before the Court regarding any such transaction or matter.
- (8) If, upon such examination and after giving such councillor or officer an opportunity of being heard (whether in person or by counsel), the High Court is satisfied that such councillor or officer has been guilty of conduct which was reprehensible within the meaning of section 31, the Court may make a declaration accordingly and may also make any order which could have been made if proceedings had been instituted against that councillor under section 31 or against that officer under that section as applied by section 46(9).
- (9) A reference in this section to a person being a councillor shall include a reference to his sitting or voting or otherwise acting as a councillor.

F1 1965 c.13 (NI), 1970 c.9 (NI), 1972 NI 14, 1981 NI 3

F2 Words in s. 32(4) substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 25** (with art. 10)

Modifications etc. (not altering text)

C1 S. 32 applied (with modifications) (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 7(2), 34(3), **Sch. 1 para. 11(1)** (with Sch. 1 para. 11(2)); S.R. 2009/114, **art. 2**

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- C2** S. 32 applied (with modifications) (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 7(2), 34(3), **Sch. 2 para. 11(1)** (with Sch. 2 para. 11(2)); S.R. 2009/114, **art. 2**
- C3** Ss. 28-33 applied (with modifications) (1.4.2012) by Justice Act (Northern Ireland) 2011 (c. 24), s. 111(3), **Sch. 2 para. 20** (with s. 106(4)); S.R. 2012/142, art. 2(a)
- C4** Ss. 28-33 applied (with modifications) (1.4.2012) by Justice Act (Northern Ireland) 2011 (c. 24), s. 111(3), **Sch. 1 para. 20** (with s. 106(4)); S.R. 2012/142, art. 2(a)

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