



# Local Government Act (Northern Ireland) 1972

## 1972 CHAPTER 9

### PART IV

#### ALTERATIONS OF DISTRICTS

#### 52 Supplemental provisions as to alterations of boundaries or names.

- (1) Where the [<sup>F1</sup>Department] makes an order under section 50, the Ministry may make a supplemental order (in this section referred to as “the order”) which may contain such incidental, consequential, transitional or supplemental provisions as appear to be necessary or expedient for the general or any particular purposes of the order under section 50 or in consequence of any of the provisions thereof or for giving full effect thereto, and without prejudice to the generality of the foregoing provisions of this subsection may in particular include provision—
- (a) for modifying or repealing any transferred provision (including such a provision contained in or made under a local or personal Act or an Act confirming a provisional order);
  - (b) for the transfer, application, defrayal, apportionment or adjustment (by agreement or otherwise) of assets, liabilities, income and costs and for the continuance of, or of functions of, any council or public body, and the continuance in office of any councillor or officer (including the continuance in office of any member or officer of a dissolved council, as if the council had not been dissolved), for the purposes of such transfer, application, defrayal, apportionment or adjustment or for the purposes of the making up and audit of accounts and any proceedings in connection therewith or consequent thereupon;
  - (c) for the transfer of any writ, process, record or document relating to or to be executed in any part of a district affected by the order under section 50, and for determining questions arising from such transfer;
  - (d) for the determination of questions arising under the order.

*Changes to legislation: Local Government Act (Northern Ireland) 1972, Section 52 is up to date with all changes known to be in force on or before 04 April 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*

- (2) The order may make provision for the transfer of existing officers affected by the order under section 50 and shall contain provisions for the protection of the interests of any such existing officers.
- (3) The order may make provision for the payment, on such terms and subject to such conditions as may be specified in the order, of compensation to or in respect of any officer of a council who suffers loss of employment or loss or diminution of emoluments (including superannuation rights) which is attributable to the order under section 50, and may in particular—
  - (a) include provision as to the funds out of which and the councils by which compensation is to be defrayed;
  - (b) include provision as to the manner in which and the time within which and the person to whom any claim for compensation is to be made;
  - (c) apply for the purposes of the order any transferred provision relating to the payment of compensation subject to the modifications (if any) specified in the order.
- (4) The order may make provision for the [<sup>F2</sup>Department] to appoint the day or days on which the order, or any provision of it, is to come into operation.
- (5) Stamp duty shall not be chargeable on the order or on any instrument executed for the purposes of giving effect to the order.
- (6) A certificate issued by the Ministry that any property has been transferred by virtue of the order shall, until the contrary is shown, be accepted as evidence of that fact.
- (7) A change of name of a council shall not affect any rights or obligations of the council or any other person, or render defective any legal proceedings, and—
  - (a) any legal proceedings may be commenced or continued as if there had been no change of name;
  - (b) every reference in any transferred provision, record, document or map to the former name of the council shall be construed as a reference to the new name.
- (8) Where the name of a district which is a borough is changed, the charter of the borough shall have effect as if the new name were substituted for the old.
- (9) Where the order includes provision for modifying or repealing a transferred provision (except a provision contained in or made under a local or personal Act or an Act confirming a provisional order) it shall be subject to affirmative resolution.

**F1** Word in s. 52(1) substituted (17.5.2006) by [Local Government \(Boundaries\) \(Northern Ireland\) Order 2006 \(S.I. 2006/1253 \(N.I. 8\)\)](#), arts. 1(2), **5(2)(a)**

**F2** Word in s. 52(4) substituted (17.5.2006) by [Local Government \(Boundaries\) \(Northern Ireland\) Order 2006 \(S.I. 2006/1253 \(N.I. 8\)\)](#), arts. 1(2), **5(2)(a)**

**Changes to legislation:**

Local Government Act (Northern Ireland) 1972, Section 52 is up to date with all changes known to be in force on or before 04 April 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.

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**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](#))