



# Local Government Act (Northern Ireland) 1972

## 1972 CHAPTER 9

### PART VII

#### MISCELLANEOUS FUNCTIONS

##### LAND

#### 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 <sup>F2</sup> The right of a council to dispose of land shall be subject to the following restrictions—

**Changes to legislation:** Local Government Act (Northern Ireland) 1972, Section 96 is up to date with all changes known to be in force on or before 04 March 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

- (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) <sup>F3</sup> 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)**

- 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:**

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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](#))