



Local Government Act (Northern Ireland) 1972

1972 CHAPTER 9

PART VII

MISCELLANEOUS FUNCTIONS

LAND

95 Provisions of offices, halls, etc.

- (1) A council may provide and maintain offices, halls or other buildings to be used for the purpose of transacting the business of the council or for public meetings, assemblies or entertainments.
- (2) A council may acquire land otherwise than by agreement for the purposes of this section.

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](#)

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;

Status: Point in time view as at 01/01/2006.

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

- (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 63(1), 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 ^{F1}) The right of a council to dispose of land shall be subject to the following restrictions—
- (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 ^{F2}) 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 1972 NI 20; 1992 NI 3

F2 1972 NI 20

Modifications etc. (not altering text)

C3 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\(5\)](#))

C4 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](#)

97 Acquisition of land otherwise than by agreement.

- (1) Where a council desires to acquire land otherwise than by agreement for any purpose for which it is authorised by a transferred provision so to acquire land, it may apply

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to the Ministry concerned for an order (in this Act referred to as a “vesting order”) vesting the land in the council, and that Ministry may make a vesting order.

- (2) The provisions of Schedule 6 shall apply with respect to the making and effect of vesting orders.
- (3) ^{F3} The power to make a vesting order may be exercised over land—
- (a) which is the property of any public body which has power under any transferred provision to acquire land compulsorily; or
 - (b) which is declared by or under any transferred provision to be inalienable;
- but a vesting order shall not be made in relation to any such land, where representations objecting to the proposal for making the order have been duly made by the owner of the land and have not been withdrawn, unless the proposal has been approved by a resolution of each House of Parliament.
- (4) Nothing in this section shall authorise the acquisition, without the consent of the Ministry of Finance^{F4}, of any land on or in which there is, to the knowledge of that Ministry, any historic monument or archaeological object.
- (5) In subsection (4), “historic monument” and “archaeological object” have the same meanings as in^{F5} the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995].

F3 [1981 NI 3](#); [1985 NI 1](#)

F4 [SR 1976/80](#)

F5 [1995 NI 9](#)

Modifications etc. (not altering text)

C5 [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\(5\)\)](#)

C6 [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](#)

98 Power to enter on land.

^{F6}(1) A person authorised in writing by a council (in this section referred to as an “authorised person”) may, on production if required of his credentials, at any reasonable time enter any land—

- (a) for the purpose of survey, valuation or examination—
 - (i) where the council proposes to acquire the land otherwise than by agreement, or
 - (ii) where it appears to the council that survey, valuation or examination is necessary in order to determine whether any functions of the council should be exercised on or with respect to the land;
- (b) for the purpose of exercising any function that the council has power to exercise on or with respect to the land;
- ^{F7}(c) for the purpose of determining whether, and if so in what manner, such a function should be exercised.]

(2) A power of entry under subsection (1) shall not be exercisable in relation to any land except—

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- (a) with consent given by the occupier of the land; or
- (b) where entry is sought for the sole purpose of examination, after at least twenty-four hours' notice of the intended entry has been served on the occupier or owner of the land; or
- (c) where entry is sought for any other purpose, after at least six days' notice of the intended entry has been served on the occupier and on the owner, if the owner is known;

but such consent or notice shall not be necessary where entry is sought under subsection (1)(b) and the case is one of emergency.

- (3) If any person, other than the owner or occupier of the land, knowingly prevents an authorised person from doing on the land any act that the authorised person is duly authorised to do or obstructs the authorised person in doing any such act, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding^{F8} level 3 on the standard scale].
- (4) If any person, being the owner or occupier of land, knowingly prevents an authorised person from doing on the land any act that the authorised person is duly authorised to do or obstructs the authorised person in doing any such act, a court of summary jurisdiction on proof thereof may order him to permit to be done on the land that act and all such things as are reasonably necessary to enable the act to be done or as are incidental to the doing of it; and, if he fails to comply with the order, he shall be guilty of an offence and shall, for every day during which the failure continues, be liable on summary conviction to a fine not exceeding^{F8} level 2 on the standard scale].
- (5)^{F9} Where under this section an authorised person enters any land, he shall ensure that the land is not left less secure by reason of the entry, and the council shall make good or pay compensation for any damage to property caused by the authorised person in entering the land, in doing any act on the land or in making the land secure.
- (6) Any question of disputed compensation under this section shall be referred to and determined by the Lands Tribunal.
- (7) Any reference in this section to an occupier or to an owner shall be construed as including a reference to a person appointed in writing by the occupier or owner as his representative for purposes which include all or any of the purposes of this section.
- (8) Any power conferred by this section to survey land shall be construed as including power to ascertain or fix boundaries, or to search and bore for the purpose of ascertaining the course of any sewers or drains or of ascertaining the nature of the subsoil or the presence of minerals therein, or both, and to take and carry away, for the purpose of examination, specimens of the subsoil or minerals, or both, found therein.

F6 1978 NI 19

F7 1978 NI 19

F8 1984 NI 3

F9 1978 NI 19

Modifications etc. (not altering text)

C7 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\(5\)](#))

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C8 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**

CONTRACTS

99 Contracts of councils.

- (1) Subject to the succeeding provisions of this section, a council may enter into contracts necessary for the discharge of any of its functions.
- (2) All contracts made by a council shall be made in accordance with the standing orders of the council and in the case of contracts for the supply of goods or materials or for the execution of works, the standing orders shall—
 - (a) require that, except as otherwise provided by or under the standing orders, notice of the intention of the council to enter into a contract shall be published and tenders invited; and
 - (b) regulate the manner in which such notice is to be published and tenders are to be invited.
- (3) Without prejudice to section 19(1)(a)(ii) of the Interpretation Act (Northern Ireland) 1954 , a person entering into a contract with a council shall not be bound to enquire whether the standing orders of the council which apply to the contract have been complied with, and all contracts entered into by a council, if otherwise valid, shall, notwithstanding that the standing orders applicable thereto have not been complied with, have full force and effect.
- (4) Where any part of the expenditure to be incurred by a council on the foot of any contract proposed to be entered into by the council would fall to be defrayed by way of a grant from public funds, other than a grant in aid of the general expenditure of the council, the Ministry by which payment of the grant would be made or recommended may issue directions, either generally or in a particular case or cases, that the council shall not enter into the contract otherwise than by acceptance of a tender submitted after public notice inviting tenders has been duly given, without first obtaining the approval of that Ministry; and where any such direction has been issued it shall be the duty of the council to give effect thereto.

Modifications etc. (not altering text)

- C9** S. 99 applied (with modifications) by S.R 2004/49, art. 6 (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)**)
- C10** S. 99 applied (with modifications) (20.8.2008) by [Local Government \(Constituting a Joint Committee a Body Corporate\) Order \(Northern Ireland\) 2008 \(S.R. 2008/310\)](#), **art. 6**

100 Sealing of contracts

- (1) Any contract or instrument which if made or executed by a person not being a body corporate would not be required to be made^{F10} by deed] may, if made by a council and if the subject matter thereof^{F11} does not exceed £30,000 in value], be made or executed

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on behalf of the council by any person or persons generally or specially authorised by the council to act for that purpose.

[^{F11}(1A) The Department may by order amend subsection (1) so as to increase the amount for the time being specified in that subsection.]

(2) Nothing in this section shall be taken as preventing any contract or instrument from being made or executed by a council under its common seal.

F10 2005 NI 7

F11 1995 NI 5

LOCAL AND PERSONAL BILLS

101 Power to promote or oppose local or personal Bills.

Subject to the provisions of this Act, where a council is satisfied that it is expedient to promote or oppose any local or personal Bill in Parliament, the council may promote or oppose the Bill and may defray the expenses incurred in so doing.

102 Sanction of council to promotion of, or opposition to, Bills.

- (1) A council shall not promote or oppose a Bill under the powers conferred by this Act otherwise than in pursuance of a special resolution of the council.
- (2) In the case of the promotion of a Bill, the resolution shall be published in at least two newspapers circulating in the district of the council and shall be submitted for the approval of the Ministry, and the council shall not proceed with the promotion of the Bill if the Ministry notifies the council that the resolution has not received that approval.
- (3) The approval of the Ministry shall not be given until the expiration of seven days after the publication of the resolution, and in the meantime any local elector for the district of the council may serve notice on the Ministry of his objection to the resolution.
- (4) A resolution to promote a Bill must be confirmed by a special resolution of the council as soon as practicable after the expiration of fourteen days from the date when the Bill has been deposited in Parliament, and, if it is not so confirmed, the council shall take all necessary steps to withdraw the Bill.

103 Taxation of costs.

No costs incurred by a council in the promotion of, or opposition to, a Bill, being costs which are liable to be taxed under^{F12} any statutory provision], shall be charged to the funds of the council unless they have been so taxed and allowed

F12 SI 1999/663

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CO-OPERATION WITH OTHER COUNCILS, PUBLIC BODIES AND GOVERNMENT DEPARTMENTS

104 Agency arrangements

- (1) A council may make arrangements with any other council or any public body or government department for the exercise of any functions—
 - (a) by the council on behalf of the other council or, as the case may be, the public body or department, or
 - (b) by the other council or, as the case may be, the public body or department on behalf of the council,on such terms as may be provided for by the arrangements.
- (2) A public body or government department which proposes to make arrangements under subsection (1) shall have power to make the arrangements and carry them into effect if, apart from the provisions of this subsection, it would not have power to do so, except that a public body shall not make any such arrangements in pursuance of this subsection without the consent of the Ministry concerned.
- (3) Arrangements made under this section shall not diminish in any respect the responsibility of any council, public body or department by which the arrangements are made.

Modifications etc. (not altering text)

- C11** Ss. 104 - 106 applied (with modifications) by S.R. 2004/49, art. 7 (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)**)
- C12** Ss. 104-106 applied (20.8.2008) by [Local Government \(Constituting a Joint Committee a Body Corporate\) Order \(Northern Ireland\) 2008 \(S.R. 2008/310\)](#), **art. 7**

105 Arrangements for the supply of goods and services or interchange of staff.

- (1) A council may make arrangements with any other council or any public body^{F13}, specified body] or government department for—
 - (a) the supply by one party to the arrangements to the other of any goods;
 - (b) the provision by one party to the arrangements for the other of any administrative, professional or technical services;
 - (c) the use by one party to the arrangements of any vehicle, plant or apparatus belonging to the other and (without prejudice to paragraph (b)) the placing at the disposal of the first-mentioned party of the services of any person employed in connection with the vehicle, plant or apparatus in question;
 - (d) the provision or maintenance by one party to the arrangements of any works, facility, amenity, equipment or thing for the provision or maintenance of which the other is responsible;on such terms as may be provided for by the arrangements.
- (2) A council may make arrangements with any other council or any public body^{F13}, specified body] or government department for the permanent or temporary transfer of officers, with their consent, between the councils or between the council and the body or department.

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- (3) A public body or government department which proposes to make arrangements under subsection (1) or (2) shall have power to make the arrangements and carry them into effect if, apart from the provisions of this subsection, it would not have power to do so, except that a public body shall not make arrangements under subsection (2) without the consent of the Ministry concerned.
- (4) A council, public body or government department may purchase and store any goods which in its opinion it may require for the purposes of subsection (1)(a).
- (5) For the avoidance of doubt it is hereby declared that for superannuation purposes services rendered by an officer with respect to whose temporary transfer arrangements under subsection (2) are in force is service rendered to the council, body or department by which he was employed before the transfer.
- (6) Arrangements made under this section shall not diminish in any respect the responsibility of any council, public body^[F13], specified body] or department by which the arrangements are made.
- ^[F13](7) In this section “specified body” means a body which is specified, or is of a description specified, in regulations and any such regulations may contain provisions—
- (a) for restricting the arrangements which may by virtue of the regulations be entered into by a specified body under subsection (1) or (2) ; and
 - (b) for securing the inclusion in any such arrangements made by virtue of the regulations of terms imposing restrictions.]

F13 1985 NI 15

Modifications etc. (not altering text)

- C13** Ss. 104 - 106 applied (with modifications) by S.R 2004/49, art. 7 (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)**)
- C14** Ss. 104-106 applied (20.8.2008) by [Local Government \(Constituting a Joint Committee a Body Corporate\) Order \(Northern Ireland\) 2008 \(S.R. 2008/310\)](#), **art. 7**

106 Contribution to other councils, etc.

A council may contribute towards expenses incurred by another council or any public body or government department in providing or maintaining any work, facility, amenity, equipment or thing that the contributing council has power to provide or maintain—

- (a) within the district of the contributing council, or
- (b) at a place where it will benefit any of the inhabitants of that district.

Modifications etc. (not altering text)

- C15** Ss. 104 - 106 applied (with modifications) by S.R 2004/49, art. 7 (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)**)
- C16** Ss. 104-106 applied (20.8.2008) by [Local Government \(Constituting a Joint Committee a Body Corporate\) Order \(Northern Ireland\) 2008 \(S.R. 2008/310\)](#), **art. 7**

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CO-OPERATION WITH VOLUNTARY BODIES, ETC.

107 Contributions for development of trade, tourism and cultural activities.

[^{F14}(1)] A council may—

- (a) contribute towards the expenses of any voluntary body which carries on activities within the district of the council, being activities for the purpose of—
 - (i) furthering the development of trade, industry or commerce in the district, or
 - (ii) encouraging the pursuit by persons residing in the district of interests of a cultural or artistic nature;
- (b) contribute towards the expenses of any association which carries on activities calculated to assist the development of tourist traffic in Northern Ireland.

[^{F14}(2)] A council may contribute under subsection (1)(a) towards the expenses of a voluntary body incurred on publicity only where the publicity is incidental to the main purpose for which the contribution is given.]

F14 1992 NI 6

108 Contributions to other voluntary bodies.

[^{F15}(1)] A council may contribute to the funds of any voluntary body which provides any public service in Northern Ireland.

[^{F15}(2)] A council may contribute under subsection (1) towards the funds of a voluntary body in respect of publicity only where the publicity is incidental to the main purpose for which the contribution is given.]

F15 1992 NI 6

ADVICE AND INFORMATION

109 Instruction, lectures, etc., on questions relating to the functions of councils.

A council shall take such steps as it considers necessary or expedient to arrange for the publication within its district of information on questions relating to its functions, and may also—

- (a) arrange for the delivery of lectures and addresses, and the holding of discussions, on such questions;
- (b) arrange for the display of pictures, films or models or the holding of exhibitions relating to such questions;
- (c) prepare, or join in or contribute to the cost of the preparation of, pictures, films, models or exhibitions to be displayed or held as aforesaid.

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Modifications etc. (not altering text)

- C17** S. 109 applied (with modifications) by S.R 2004/49, art. 7 (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)**)
- C18** S. 109 applied (20.8.2008) by [Local Government \(Constituting a Joint Committee a Body Corporate\) Order \(Northern Ireland\) 2008 \(S.R. 2008/310\)](#), **art. 7**

110 Information centres.

A council may make, or assist in the making of, arrangements whereby the public may on application readily obtain, either at premises specially maintained for the purpose or otherwise, information concerning the services available within the district of the council provided either by the council or by public bodies or by government departments, and information as to^{F16} matters relating to the functions of the council].

F16 1992 NI 6

OTHER MISCELLANEOUS FUNCTIONS

111 Subscriptions.

A council may pay reasonable subscriptions, whether annually or otherwise, to the funds of—

- (a) associations of councils or officers or members of councils formed for the purpose of consultation upon and discussion of matters relating to the common interests of councils or matters relating to local government;
- (b) voluntary bodies established for scientific, technical or professional purposes the objects of which are ancillary to any of the functions of the council.

Modifications etc. (not altering text)

- C19** Ss. 111 - 113A applied (with modifications) by S.R 2004/49, art. 7 (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)**)
- C20** Ss. 111-113A applied (20.8.2008) by [Local Government \(Constituting a Joint Committee a Body Corporate\) Order \(Northern Ireland\) 2008 \(S.R. 2008/310\)](#), **art. 7**

112 Insurance.

A council may—

- (a) insure any property in which it has an insurable interest;
- (b) insure against any contingency which may result in the imposition of any liability on or loss to the council.

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Modifications etc. (not altering text)

- C21** Ss. 111 - 113A applied (with modifications) by S.R. 2004/49, art. 7 (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)**)
- C22** Ss. 111-113A applied (20.8.2008) by [Local Government \(Constituting a Joint Committee a Body Corporate\) Order \(Northern Ireland\) 2008 \(S.R. 2008/310\)](#), **art. 7**

113 Exercise of certain functions outside district.

- (1) Where any function of a council is not required by a statutory provision to be exercised in the district of the council, the council may exercise the function at a place outside its district—
- (a) if the council for the district within which that place is situated consents; and
 - (b) if the function is exercised in accordance with—
 - (i) any conditions reasonably imposed by the last-mentioned council, and
 - (ii) any statutory provision regulating the exercise of the function; and
 - (c) where the function is exercisable for the purpose of providing amenities or facilities for persons who are resident in the district of the council, if that place is convenient for those persons.
- (2) Consent under subsection (1)(a) shall not be withheld unreasonably, and any question arising as to whether a consent is unreasonably withheld or whether any conditions are reasonably imposed shall be referred to and determined by the Ministry.

Modifications etc. (not altering text)

- C23** Ss. 111 - 113A applied (with modifications) by S.R. 2004/49, art. 7 (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)**)
- C24** Ss. 111-113A applied (20.8.2008) by [Local Government \(Constituting a Joint Committee a Body Corporate\) Order \(Northern Ireland\) 2008 \(S.R. 2008/310\)](#), **art. 7**

[^{F17}113A Power to provide advice and assistance.

- (1) Subject to subsections (3) to (6), a council may provide advice and assistance as respects any matter in which it has skill and experience to a body engaged outside the United Kingdom in the carrying on of any of the activities of local government.
- (2) In relation to any place outside the United Kingdom, activities shall be taken for the purposes of this section to be activities of local government wherever they are the equivalent of, or are comparable to, any activities which in Northern Ireland are carried on by councils.
- (3) The power conferred by subsection (1) shall not be exercised except with the consent of the Department or in accordance with a general authorisation given by the Department.

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- (4) Before giving any general authorisation under subsection (3), the Department shall consult with such persons appearing to it to represent councils as the Department thinks appropriate.
- (5) A consent or authorisation under subsection (3) may be given subject to such conditions as the Department thinks fit.
- (6) Nothing in this section authorises a council to provide any financial assistance by—
 - (a) making a grant or loan,
 - (b) giving a guarantee or indemnity, or
 - (c) investing by acquiring share or loan capital.
- (7) The Department shall provide councils with such guidance about the exercise of their powers under this section as it thinks appropriate.]

F17 1995 NI 5

Modifications etc. (not altering text)

- C25** Ss. 111 - 113A applied (with modifications) by S.R. 2004/49, art. 7 (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)**)
- C26** Ss. 111-113A applied (20.8.2008) by [Local Government \(Constituting a Joint Committee a Body Corporate\) Order \(Northern Ireland\) 2008 \(S.R. 2008/310\)](#), **art. 7**

114 Acceptance of gifts.

- (1) Subject to the provisions of this section a council may accept, hold and administer any gift of property, whether real or personal—
 - (a) for any local public purpose, or
 - (b) for the benefit of the inhabitants of its district or of any part of its district,
 and may provide and maintain any works, facility, amenity, equipment or thing incidental to or consequential on the exercise of the powers conferred by this section.
- (2) This section shall not authorise the acceptance by a council of property which, when accepted, would be held in trust for an ecclesiastical charity or an eleemosynary charity.

115 Expenditure for special purposes.

- (1) Subject to^{F18} subsections (2) to (5)], a council may make any payment for any purpose which in its opinion is in the interests^{F19} of, and will bring direct benefit to]
 - (a) ^{F19} . . . the council;
 - (b) ^{F19} . . . its district or^{F19} . . . any part of its district;
 - (c) ^{F19} . . . the inhabitants of its district or^{F19} . . . any part of its district.

- ^{F18}(1A) Subject to subsection (2), a council may make payments to any fund which is raised in connection with a particular event directly affecting persons resident in the United Kingdom on behalf of whom a public appeal for contributions has been made—
- (a) by the chairman of a council; or
 - (b) by a committee of which the chairman of a council is a member; or

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- (c) by such a person or body as is referred to in section 137(3)(c) of the Local Government Act 1972; or
 - (d) by such a person or body as is referred to in section 83(3)(c) of the Local Government (Scotland) Act 1973.]
- (2) The total payments made under this section by a council in any one financial year shall not^[F20] exceed the aggregate of—
- (a) the product of a rate of^[F21] 0.0596p in the pound on the rateable value of all hereditaments in the district which are specified hereditaments as defined by Article 39A(3) of the Rates (Northern Ireland) Order 1977; and
 - (b) the product of a rate of 0.5p in the pound on the rateable value of all other hereditaments in the district.]
- ^[F22](2A) Regulations may amend paragraph (b) of subsection (2) by substituting for “0.5p” (or such amount as is for the time being specified therein by virtue of this subsection) such other amount as is prescribed.
- (2B) Regulations shall not be made under subsection (2A) unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.]
- (3) A council shall not make any payment under^[F18] subsection (1)]
- ^[F19](a) for a purpose for which the council is, either unconditionally or subject to any limitation or to the satisfaction of any condition, authorised or required under any other statutory provision to make any payment^[F19] or]
 - ^[F19](b) unless the direct benefit accruing to its district or any part of its district or to the inhabitants of its district will be commensurate with the payments to be made.]
- ^[F19](4) In any case where—
- (a) by virtue of paragraph (a) of subsection (3) a council is prohibited from making any payment for a particular purpose; and
 - (b) the power or duty of the council to make any payment for that purpose is in any respect limited or conditional (whether by being restricted to a particular group of persons or in any other way),
- the prohibition in that paragraph shall extend to all payments to which that power or duty would apply if it were not subject to any limitation or condition.
- (5) A council may make a payment under subsection (1) on publicity only by way of assistance to a public body or a voluntary body where the publicity is incidental to the main purpose for which the assistance is given.]

F18 1995 NI 5

F19 1992 NI 6

F20 SR 1997/144

F21 SR 2003/73

F22 2005 NI 18

^[F23]PUBLICITY

F23 1992 NI 6

Status: Point in time view as at 01/01/2006.

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

115A Publicity Prohibition of political publicity.

- (1) A council shall not publish any material which, in whole or in part, appears to be designed to affect public support for a political party.
- (2) In determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed and, in particular, to the following matters—
 - (a) whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another;
 - (b) where the material is part of a campaign, the effect which the campaign appears to be designed to achieve.
- (3) A council shall not give financial or other assistance to a person for the publication of material which the council is prohibited by this section from publishing itself.

115B Codes of recommended practice as regards publicity.

- (1) The Department may issue one or more codes of recommended practice as regards the content, style, distribution and cost of council publicity, and such other related matters as it thinks appropriate, and councils shall have regard to the provisions of any such code in coming to any decision on publicity.
- (2) The Department may revise or withdraw a code issued under this section.
- (3) The Department shall before issuing, revising or withdrawing a code consult such councils, such associations or bodies representative of councils and such other associations or public bodies, as appear to the Department to be desirable.
- (4) A code shall not be issued or revised unless a draft of it has been laid before and approved by a resolution of the Assembly.

115C Separate account of expenditure on publicity.

- (1) A council shall keep a separate account of its expenditure on publicity.
- (2) Any person interested may at any reasonable time and without payment inspect the account and make copies of it or any part of it.
- (3) A person having custody of the account who intentionally obstructs a person in the exercise of the rights conferred by subsection (2) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) The Department may by order provide that subsection (1) does not apply to publicity or expenditure of a prescribed description.
- (5) Before making an order under subsection (4) the Department shall consult such councils, such associations or bodies representative of councils and such other associations or public bodies as appear to the Department to be desirable.]

Status: Point in time view as at 01/01/2006.

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

115D Sections 115A to 115C: supplementary provisions.

- (1) Sections 115A to 115C apply to any publicity expressly or impliedly authorised by any statutory provision, including sections 107 to 110 and 115.
- (2) Nothing in sections 115A to 115C shall be construed as applying to anything done by a council in the discharge of its duties under sections 23 to 27.

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

There are currently no known outstanding effects for the Local Government Act (Northern Ireland) 1972, PART VII.