

SCHEDULES

SCHEDULE 7

Article 113(2).

MODIFICATIONS OF SCHEDULE 6 TO THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972 FOR THE PURPOSES OF ARTICLE 113(2)

1. References to the Ministry or council shall be construed as references to the Department within the meaning of this Order.
2. References to Schedule 6 to the Local Government Act (Northern Ireland) 1972 shall be construed as references to that Schedule as modified by this Schedule.
3. Omit paragraph 1 of that Schedule.
4. In paragraph 2 of that Schedule—
 - (a) for the words from “Notice of application” to “directs” substitute the words “Where the Department proposes to acquire land otherwise than by agreement, notice of its intention to do so”;
 - (b) in sub-paragraph (c) for the words “as may be prescribed.” substitute the words “as the Department considers fit”;
 - (c) after sub-paragraph (c) add the words “and such notice shall state the time within which objections to the proposal may be made to the Department”.
5. In paragraph 3—
 - (a) in sub-paragraph (1)(b) for the words from “unless no representations” to “or vexatious nature”, substitute “if it appears to the Department necessary to do so” and in head (ii) of that sub-paragraph for the word “refuse” substitute the words “decide not”; and
 - (b) in sub-paragraph (2) omit the words “the council and” and “or refusing”.
6. In paragraph 4 omit the words from “and may provide” onwards.
7. In paragraph 5—
 - (a) in sub-paragraph (1)(a) omit the words “in the prescribed form and manner” and for the words from “, having given notice” to the end, substitute the words “has given notice to the Department of his objection to the making of the vesting order”;
 - (b) in sub-paragraph (1)(b) the two references to the said Act of 1972 shall be construed as references to this Order;
 - (c) in sub-paragraph (1)(d) omit the words “in the prescribed form”;
 - (d) in sub-paragraph (2) for the words “as may be prescribed” substitute the words “as the Department considers fit”.
8. In paragraph 6(2) for the words “fund out of which the expenses of the council in acquiring the land are to be defrayed” substitute the words “Consolidated Fund” and for the words “out of the Compensation Fund” substitute the words “made by the Department”.
9. In paragraph 10 for sub-paragraph (3) substitute—
 - “(2A) Where a notice is served by any person on the Department under sub-paragraph (2), the Department may serve on that person a counter notice, stating that for

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the reasons specified the Department is not willing to acquire the remainder of the house, building or factory.

(3) Where a notice is served on the Department under sub-paragraph (2) then, notwithstanding that the Department has served a counter notice under sub-paragraph (2A), the Department shall acquire the remainder of the house, building or factory unless—

- (a) 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; or
- (b) the person who served the notice under sub-paragraph (2) withdraws the notice in accordance with sub-paragraph (3A).

(3A) A person who has served a notice under sub-paragraph (2) in relation to the remainder of a house, building or factory may withdraw that notice at any time before the amount to be paid for the remainder has been agreed with the Department or determined by the Lands Tribunal or at any time before the end of 6 weeks beginning with the date on which that amount is so agreed or determined.”

- 10.** In paragraph 11(3) omit the words “in the prescribed form”.
- 11.** In paragraph 12—
 - (a) in sub-paragraph (1) omit the words “such” and “as may be prescribed”;
 - (b) in sub-paragraph (2) for the words from “clerk” to “directs” substitute the words “Department as correct, and publish”.
- 12.** In paragraph 14(1) omit the words “in the prescribed form”.
- 13.** In paragraph 15(1) for the words “in the prescribed form” substitute the words “in such form as may be approved by the Department”.
- 14.** Omit paragraph 19.
- 15.** Omit paragraph 20(2).