Local Government Act (Northern Ireland) 1934

1934 CHAPTER 22

An Act to amend the law relating to local government and for other purposes connected therewith. [14th November 1934]

Part I (ss. 1#10) rep. by 1946 c. 8 (NI); 1946 c. 19 (NI); 1949 c. 21 (NI); SLR (NI) 1953; SLR (NI) 1954; 1962 c. 12 (NI); 1962 c. 14 (NI); 1964 c. 14 (NI); 1972 c. 9 (NI); 1972 NI 16; SI 1973/2095

PART II

GENERAL PROVISIONS AS TO LOCAL GOVERNMENT

Ss. 11#21 rep. by 1946 c. 8 (NI); 1948 c. 11 (NI); 1948 c. 28 (NI); SLR (NI) 1952; SLR (NI) 1954; 1954 c. 9 (NI); 1955 c. 13 (NI); 1964 c. 14 (NI); 1972 c. 9 (NI); 1972 NI 16; SRO (NI) 1973/285; 1980 NI 11

22 Vesting orders for compulsory acquisition of land.

Subs. (1) rep. by 1972 c. 9 (NI)

F1(2) The following provisions of this sub-section shall have effect with respect to the validity of vesting orders made under this section and the date on which such a vesting order is to come into operation, that is to say:—

(a) So soon as may be after a vesting order has been made by the Ministry of Home Affairs, the local authority shall publish in a newspaper circulating in the locality in which the property is proposed to be acquired a notice in a form prescribed by the said Ministry, stating that the vesting order has been made and naming a place where a copy of the vesting order and of any map or plan referred to therein may be seen at all reasonable hours, and shall serve a like notice on every person who, having given notice to the said Ministry of his

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objection to the application for the vesting order, appeared at a local inquiry in support of his objection;

(b) If any person aggrieved by a vesting order desires to question its validity on the ground that it is not within the powers of this section, or that any requirement of this section or of any order or regulation made thereunder has not been complied with, he may within [F2 three weeks] after the publication of the notice of the making of the vesting order make an application for the purpose to the High Court, and where any such application is duly made the Court—

(i) may by interim order suspend the operation of the vesting order either generally or in so far as it affects any property of the applicant until the final determination of the proceedings; and

(ii) if satisfied upon the hearing of the application that the vesting order is not within the powers of this section, or that the interests of the applicant have been substantially prejudiced by any requirement of this section or of any order or regulation made thereunder not having been complied with, may quash the vesting order either generally or in so far as it affects any property of the applicant;

(c) Subject to the provisions of the last preceding paragraph, a vesting order or the making of a vesting order shall not be questioned by prohibition or certiorari or in any legal proceedings whatsoever and a vesting order shall become operative at the expiration of [F2 three weeks] from the date on which notice of its making is published in accordance with the provisions of paragraph (*a*) of this sub-section;

(d) So soon as may be after a vesting order has become operative, the local authority shall serve …F3 on every person on whom a notice was served by them of their intention to apply to the Ministry of Home Affairs for the vesting order [F4 either a copy of the vesting order or a notice in a form prescribed by the said Ministry stating that the vesting order has become operative and naming a place where a copy of the vesting order and of any map or plan referred to therein may be seen at all reasonable hours and may be obtained free of charge upon written request made by or on behalf of any person having an estate or interest in the lands vested thereby;]]

Para. (e) rep. by 1962 c. 30

Subs. (3) rep. by 1948 c. 28 (NI); SLR (NI) 1954; 1972 c. 9 (NI); subs. (4)(5) rep. by 1972 c. 9 (NI)

F1 1972 c.9 (NI)
F2 1946 c.4 (NI)
F3 1962 c.12 (NI)
F4 1962 c.12 (NI)

Ss. 22A#24 rep. by SLR (NI) 1952; 1972 c. 9 (NI)

S. 25 rep. with saving by 1950 c. 10 (NI)

Ss. 26, 26A rep. by SLR (NI) 1952; SLR (NI) 1954; 1962 c. 12 (NI); 1972 c. 9 (NI)

Part III (ss. 27#30) rep. by SLR (NI) 1953; 1959 c. 25 (NI); 1964 c. 27 (NI); 1969 c. 13 (NI); 1972 c. 9 (NI)

S. 31 rep. with saving by 1985 NI 15

Ss. 32#35 rep. by 1946 c. 6 (NI); 1948 c. 3 (NI); 1955 c. 13 (NI)

Part IV (ss. 36#39) rep. by 1937 c. 20 (NI); 1948 c. 3 (NI); 1948 c. 13 (NI); 1949 c. 1 (NI); 1950 c. 5 (NI)

Part V (ss. 40#44A) rep. by SLR (NI) 1953; SLR (NI) 1954; 1968 c. 10 (NI); 1972 c. 9 (NI); 1981 NI 14

PART VI

SUPPLEMENTAL

45 Interpretation.

(1) Unless the context otherwise requires, expressions to which meanings are assigned by the Local Government (Ireland) Act, 1898, or any Order in Council in force under that Act, have, where used in this Act, the same respective meanings.

Subs. (2) rep. by 1954 c. 33 (NI)

Ss. 46, 47 rep. by SLR (NI) 1952

48 Short title, construction and citation.

(1) This Act may be cited as the Local Government Act (Northern Ireland), 1934.

(2) This Act shall be construed as one with the Local Government Acts (Northern Ireland), 1898 to 1929, and those Acts and this Act may be cited together as the Local Government Acts (Northern Ireland), 1898 to 1934.

Changes to legislation: *There are currently no known outstanding effects for the Local Government Act (Northern Ireland) 1934. (See end of Document for details)*

SCHEDULES

First Schedule rep. by 1948 c. 28 (NI)

SECOND SCHEDULE [F5]

Section 22.

ACQUISITION OF LAND BY VESTING ORDERS

F5 See note to s.22(2)

PRELIMINARY PROCEDURE

1 The local authority, where they propose to acquire land otherwise than by agreement, may submit to the Ministry of Home Affairs an application in the prescribed form for an order vesting in the local authority the land specified in the application.

2 Notice of the application shall be published by the local authority in the prescribed manner, and such notice shall be given both in the locality in which the land is proposed to be acquired and to the [[F6] persons appearing to the local authority to have interests in] that land as may be prescribed.

Notice of the application shall also be given to such Government departments as may be prescribed.

F6 1946 c.4 (NI)

3 On the expiration of one month after the publication of the notice of the application, the Ministry of Home Affairs, after considering all objections to the application which may have been presented to the said Ministry by persons interested in the land specified in the application, and after causing a local inquiry to be held (if the said Ministry thinks it necessary to do so) as to the propriety of making the order applied for, may make an order vesting in the local authority the said land, or so much thereof, as the said Ministry thinks proper.

If a local inquiry is held as aforesaid, the local authority and all persons interested in the land, and such other persons as the person holding the inquiry in his discretion thinks fit to allow, shall be permitted to appear and to be heard at the inquiry, and before making the order, the Ministry of Home Affairs shall consider the report of the person who held the inquiry, and all objections made thereat.

4 The order shall contain such provisions as the Ministry of Home Affairs thinks necessary for the purpose of carrying the order into effect, and may provide for the suspension of the operation of the order, or any part thereof, until the local authority have paid, or made provision to the satisfaction of the said Ministry for the payment

of, compensation to persons interested in the land to which the order relates, or in land injuriously affected by the works proposed to be carried out by the local authority.

An order made by the Ministry of Home Affairs as aforesaid is in this Schedule referred to as a "vesting order."

5 Notice of a vesting order which has become operative shall be given to such Government departments (including the Ministry of Finance) as may be prescribed.

OPERATION OF VESTING ORDER

6 A vesting order shall be effectual to pass and vest in the local authority, as from the date on which the vesting order becomes operative (in this Schedule referred to as "the date of vesting"), an estate in fee simple in the land to which it relates, discharged from all claims, estates, incumbrances or charges whatsoever, or (if the case so requires) such easement or right as the vesting order may specify; and the rights and claims of all persons in respect of such land or any interest therein shall, as from the date of vesting, be transferred and attached, to the extent to which compensation may be payable in accordance with the provisions of this Schedule, to the rate or fund out of which the expenses of the local authority in acquiring the land are to be defrayed (in this Schedule referred to as "the compensation fund"), and shall be discharged by payments out of the compensation fund.

In so far as a vesting order relates to land, the ownership of which is registered under the Local Registration of Title (Ireland) Act, 1891 [F7], the date of vesting shall, notwithstanding anything in the foregoing provisions of this article, be either the date on which the vesting order becomes operative, or the date of the lodgment of the vesting order with the registering authority under the said Act, whichever is the later.

F7 1970 c.18 (NI)

7 A vesting order, or the title created by a vesting order (if it relates to land the ownership of which is registered as aforesaid), shall, forthwith upon production of such vesting order, be registered in the proper office for the registration of deeds or titles, as the case requires.

8 Where a vesting order relates to any land forming part of a holding which is subject to the future payment of an annuity under the Land Purchase Acts, it shall not be necessary for any consent or authority for the sub-division of the holding to be given under any enactment of those Acts.

9 On and after the date of vesting, the local authority may enter upon and use the land to which the vesting order relates.

[F8 REFERENCE OF DISPUTED CASES TO LANDS TRIBUNAL]

F8 1964 c.29 (NI)

10 (1) As soon as a vesting order has become operative, any question of disputed compensation arising between the local authority and any person interested in any land to which the vesting order relates, or land injuriously affected by the works proposed to be carried out by the local authority, shall be referred to and determined