

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

SCHEDULES

FIFIF1 SCHEDULE 6

ACQUISITION OF LAND BY VESTING ORDER

F1 1972 NI 9, 1972 NI 14, 1972 NI 17, 1972 NI 20, 1973 NI 1, 1973 NI 2, 1973 NI 16, 1973 NI 21, 1977 NI 7, 1980 NI 11, 1981 NI 3

F1 Mod. 1998 c.32

F1 mod. 2000 c.32

Modifications etc. (not altering text)

C1 Sch. 6 applied (with modifications) (1.7.2006) by Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), **11(4)** (with arts. 49, 62); S.R. 2006/257, **art. 2(a)**

C1 Sch. 6 applied (with modifications) (1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), 216, **Sch. 7 para. 5** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

C1 Sch. 6 modified by S.I. 1989/490 (N.I. 2), Sch. 3 (as substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), art. 5(1), **Sch. 2 Pt. 1 para. 1(10)**)

C1 Sch. 6 applied (with modifications) (1.10.2008) by Libraries Act (Northern Ireland) 2008 (c. 8), **ss. 5(4), 12(2)** (with s. 5(5)); S.R. 2008/396, **art. 2(d)**

C1 Sch. 6 applied (with modifications) (13.9.2010) by Forestry Act (Northern Ireland) 2010 (c. 10), **ss. 5(3), 39(1), Sch. 1 para. 2** (with s. 37); S.R. 2010/309, **art. 2**, Sch.

VALIDITY AND OPERATION OF VESTING ORDERS

- 5 (1) The following provisions of this paragraph shall have effect with respect to the validity of a vesting order and the date on which such an order is to come into operation—
- (a) as soon as may be after a vesting order has been made the council shall publish in the prescribed form and manner a notice, 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 in it may be seen at all reasonable hours, and shall serve a like notice on every person who, having given notice to the Ministry of his 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 conferred by this Act or that the procedure specified in this Schedule has not been complied with, he may, within one month from the publication of the notice of the making of the vesting order, make an application for the purpose to the High Court in accordance with rules of court, and on such an application the court—

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- (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;
 - (ii) if satisfied upon the hearing of the application that the vesting order is not within the powers conferred by this Act, or that the interests of the applicant have been substantially prejudiced by any requirement of this Schedule not having been complied with, may quash the vesting order either generally or in so far as it affects any property of the applicant;
 - (iii) if not so satisfied, shall dismiss the application;
 - (c) subject to head (b), a vesting order or the making of such an order shall not be questioned in any legal proceedings whatsoever, and a vesting order shall become operative at the expiration of a period of one month from the date on which the notice of the making thereof is published in accordance with the provisions of head (a);
 - (d) as soon as may be after a vesting order has become operative the council shall serve on every person appearing to it to have an estate in the land to which the vesting order relates either a copy of the vesting order or a notice in the prescribed form 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 in the land.
- (2) Notice of a vesting order that has become operative shall be served by the council on such government departments and public bodies as may be prescribed.
- 6 (1) Subject to sub-paragraph (3), a vesting order shall operate, without further assurance, to vest in the council, 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 or such other estate (if any) in, to or over the land to which it relates as is therein specified, freed and discharged from all claims or estates whatsoever (except as is specified in the order).
- (2) To the extent to which compensation is payable in accordance with the provisions of this Schedule, as from the date of vesting the rights and claims of all persons in respect of any land acquired by the vesting order shall be transferred and attached to the fund out of which the expenses of the council 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.
- (3) Where a vesting order relates to registered land, the council, before lodging the vesting order with the Registrar of Titles, shall endorse upon the vesting order the date on which it would have become operative were it not for the provisions of this sub-paragraph, and in relation to such land the date of vesting shall, notwithstanding anything in sub-paragraph (1), be the date so endorsed or the date on which the order is so lodged, whichever is the later, and that sub-paragraph shall have effect accordingly.
- 7 A vesting order, or the title created by such an order (if it relates to registered land), shall forthwith upon lodgment of the order, be registered in the Registry of Deeds or, as the case requires, the Land Registry.

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- 8 ^{F1} 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 provision of those Acts, other than the consent of the Ministry of Finance to any apportionment of the annuity.

F1 [1982 NI 6](#)

- 9 On and after the date of vesting the council or any person authorised by the council may enter upon and use the land to which the vesting order relates.
- 10 (1) Section 92 of the Lands Clauses Consolidation Act 1845 shall not have effect in relation to any acquisition of land by means of a vesting order.
- (2) Where a vesting order applies to part only of a house, building or factory, a person having an estate in the whole thereof may, within six weeks from the date on which the order becomes operative, serve a notice on the council, requiring the council to acquire the remainder thereof.
- (3) ^{F2} Where a notice is served on the council under sub-paragraph (2) the council shall acquire the remainder of the house, building or factory unless 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.
- (4) Where the council acquires the remainder of a house, building or factory in pursuance of sub-paragraph (3), any question as to the amount payable in respect thereof shall be determined as if that remainder had been acquired by means of a vesting order.

F2 [1973 NI 21](#)

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