1973. No. 140 **[C]**

LOCAL GOVERNMENT

Transfer of Functions

ORDER, DATED 2ND MAY 1973, MADE BY THE MINISTRY OF DEVELOPMENT UNDER SECTION 133(1) OF THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972.

The Ministry of Development on behalf of the Secretary of State and in exercise of the powers conferred on it by section 133(1) of the Local Government Act (Northern Ireland) 1972(a) and of every other power enabling it in that behalf hereby makes the following Order:—

Citation

1. This Order may be cited as the Local Government (Transfer of Functions) Order (Northern Ireland) 1973.

Interpretation

2. In this Order—

"adoptive Act" means any Act or part of an Act which by virtue of any provision for the adoption of the Act or part in, or the application of the Act or part to, any area of an existing local authority, has before 1st October 1973 been adopted by, or applied to, an existing local authority so as to have effect within its area;

"Belfast Corporation" means the Lord Mayor, Aldermen and Citizens of the City of Belfast, acting by the Council of the City;

"existing local authority" has the meaning assigned to it by section 131(4) of the Local Government Act (Northern Ireland) 1972.

Transfer of functions to government departments

3. The functions exercisable immediately before 1st October 1973 by an existing local authority, or by an officer of such an authority, under or for the purposes of any transferred provision set out in Schedule 1 shall be, and are hereby, transferred on that date to the government department specified in relation to that provision in Part I or, as the case may be, Part II of the Schedule.

Transfer of functions to district councils

4. The functions exercisable immediately before 1st October 1973 by an existing local authority, or by an officer of such an authority, under or for the purposes of any transferred provision set out in Schedule 2 shall be, and are hereby, transferred on that date—

(*a*) where the provision is a provision of an adoptive Act, to the district council for the district which includes any part of the area of an existing local authority with respect to which the function was so exercisable, or

(*b*) in any other case, to the district council for each district.

(a) 1972 c. 9 (N.I.).

Transfer of functions to officers of district councils

5. The functions exercisable immediately before 1st October 1973 by an officer of an existing local authority under or for the purposes of any transferred provision set out in Schedule 3 shall be, and are hereby, transferred on that date—

(*a*) where the provision is a provision of an adoptive Act, to the officer of the district council for the district which includes any part of the area of an existing local authority with respect to which the function was so exercisable who is specified in relation to that provision in Part I, Part II, Part III or Part IV, as the case may be, of the Schedule, or

(*b*) in any other case, to the officer of the district council for each district who is specified in relation to that provision in Part I, Part II, Part III or Part IV, as the case may be, of the Schedule.

Transfer of functions to specified district councils

6. The functions exercisable immediately before 1st October 1973 by any existing local authority specified in Schedule 4, or by an officer of such authority under or for the purposes of any transferred provision set out in that Schedule shall be, and are hereby, transferred on that date to the district council for the district which is specified in relation to that provision in Part I or, as the case may be, Part II of the Schedule.

Transfer of functions to the Northern Ireland Housing Executive

7. The functions exercisable immediately before 1st October 1973 by an existing local authority, or by an officer of such an authority, under or for the purposes of any transferred provision set out in Schedule 5 shall be, and are hereby, transferred on that date to the Northern Ireland Housing Executive.

Transfer of functions under certain local or personal Acts

8.—(1) Any function conferred on an existing local authority by a local or personal Act (including an Act confirming a provisional order) which corresponds to—

(*a*) a function conferred by a public general Act for the transfer of which provision is made by this Order or by section 133(2) of the Local Government Act (Northern Ireland) 1972; or

(*b*) a function conferred by any provision of the Local Government Act (Northern Ireland) 1972; or

(*c*) a function, other than a function mentioned in sub-paragraph (*a*) or (*b*), which is conferred by any public general Act passed in connection with the reorganisation of local government effected by the Local Government Act (Northern Ireland) 1972;

shall be and is hereby transferred on 1st October 1973 to the body to which the function under a public general Act such as is mentioned in sub-paragraph (*a*) is so transferred or on which the function under the Local Government Act (Northern Ireland) 1972 or a public general Act such as is mentioned in sub-paragraph (*c*) is so conferred.

(2) In paragraph (1) "body" means, as the case may require, the Ministry or public body concerned or the district council for the district which includes any of the existing area in which the local or personal Act is in force, and for the purposes of sub-paragraph (*c*) of that paragraph a public general Act shall be deemed to have been passed in connection with the reorganisation of local government if it provides for the exercise by any other body of functions which apart from that Act would have been exercisable by an existing local authority.

(3) Any reference in this Article to a public general Act includes a reference to an Order-in-Council which has the same effect as such an Act and any reference to such an Act being passed shall be construed accordingly.

Sealed with the Official Seal of the Ministry of Development for Northern Ireland this 2nd day of May 1973.

(L.S.)

J. Marsh,
Assistant Secretary.

SCHEDULE 1

PART I

Transferred provisions relating to functions transferred from an existing local authority or an officer of such authority to the Ministry of Development

Chapter	*Act*	*Relevant provisions*
17 & 18 Vict. c. 103	Towns Improvement (Ireland) Act 1854	Sections 36, 37, 38 (in so far as it relates to improving the line of streets and removing obstructions), 39 (except in so far as it relates to ruinous or dangerous buildings), 40, 41 (in so far as it relates to the beginning of works under the above-mentioned sections of the Act) and 51
41 & 42 Vict. c. 52	Public Health (Ireland) Act 1878	Sections 29, 38 to 42, and 80 (in so far as it relates to street lighting)
53 & 54 Vict. c. 59	Public Health Acts Amendment Act 1890	Sections 23 (in so far as it relates to the laying out of new streets), 35, 39 and 43
7 Edw. 7 c. 53	Public Health Acts Amendment Act 1907	Sections 15 to 18, 20, 22, 28, 29, 78 and 91
18 & 19 Geo. 5 c. 10	Roads Improvement Act (Northern Ireland) 1928	Section 7
5 & 6 Geo. 6 c. 13	Clogher Valley Railway and Roads Act (Northern Ireland) 1941	Section 7
1955 c. 13	Public Health and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1955	Section 7
1964 c. 27	Private Streets Act (Northern Ireland) 1964	Whole Act
1968 c. 30	Local Government and Roads Act (Northern Ireland) 1968	Part I in so far as it relates to road works
1970 c. 2	Road Traffic Act (Northern Ireland) 1970	Section 178 (4), (5) and (6)

Any transferred provision in force on 1st October 1973 which modifies any of the above-mentioned transferred provisions.

PART II

Transferred provisions relating to functions transferred from an existing local authority or an officer of such authority to the Ministry of Home Affairs

Chapter	*Act*	*Relevant provisions*
17 & 18 Vict. c. 103	Towns Improvement (Ireland) Act 1854	Sections 56 and 70
38 & 39 Vict. c. 17	Explosives Act 1875	Whole Act
1950 c. 11	Civil Defence Act (Northern Ireland) 1950	Section 6
1970 c. 2	Road Traffic Act (Northern Ireland) 1970	Section 178(1), (2) and (3)

Any transferred provision in force on 1st October 1973 which modifies any of the above-mentioned transferred provisions.