**1968. No. 23** **[C]**

# LOCAL GOVERNMENT

## Newtownards Borough (Alteration) Order (Northern Ireland) 1968

ORDER*, DATED 10TH JANUARY 1968, MADE BY THE MINISTRY OF DEVELOPMENT IN PURSUANCE OF ARTICLES 25 AND 27 OF THE SCHEDULE TO THE LOCAL GOVERNMENT (APPLICATION OF ENACTMENTS) ORDER 1898.

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Whereas by virtue of article 25 of the Schedule to the Local Government (Application of Enactments) Order 1898 the Ministry of Development (in this Order referred to as "the Ministry") may make a provisional order for altering the boundary of a borough:

And whereas the borough of Newtownards in the administrative county of Down is a borough within the meaning of the Local Government (Ireland) Act 1898(a) and the inhabitants are a body corporate by the name of the mayor, aldermen and burgesses of the borough of Newtownards:

(a) 61 & 62 Vict. c. 37.

*This Order was affirmed by a Resolution of each House of Parliament on the 20th day of February 1968.

And whereas it has been represented to the Ministry by the mayor, aldermen and burgesses of the borough of Newtownards that it is desirable that the boundary of the borough of Newtownards should be altered:

And whereas a local inquiry has been held:

And whereas it appears to the Ministry that it is expedient that the said boundary should be altered:

Now therefore the Ministry in pursuance of the powers conferred upon it by articles 25 and 27 of the Schedule to the Local Government (Application of Enactments) Order 1898, and of all other powers enabling it in that behalf, hereby orders as follows:—

*Title*

**1.** This Order may be cited as the Newtownards Borough (Alteration) Order (Northern Ireland) 1968.

*Interpretation*

**2.** In this Order—

"the appointed day" means the 1st day of April 1968;

"the added area" means the area which by this Order is added to the existing borough of Newtownards;

"the excluded area" means the area which by this Order is excluded from the existing borough of Newtownards;

"existing" means existing immediately before the appointed day;

"the existing borough" means the borough of Newtownards existing immediately before the appointed day;

"the borough" means the borough of Newtownards as altered by this Order;

"the borough council" means the council of the borough of Newtownards;

"the county" means the administrative county of Down and "the county council" means the council of the administrative county of Down;

"the existing rural district" means the rural district of North Down existing immediately before the appointed day;

"the rural district" means the rural district of North Down as altered by this Order;

"the rural council" means the council of the rural district of North Down; and

"the maps" means the duplicate maps marked "Map of the Borough of Newtownards as altered by the Newtownards Borough (Alteration) Order (Northern Ireland) 1968" and sealed with the official seal of the Ministry.

*Commencement*

**3.** Save as otherwise expressly provided this Order shall come into operation on the appointed day:

Provided that for the purposes of—

(*a*) the alteration of valuation lists to take effect on the appointed day or the preparation or service of any precept to be made in respect of the financial year commencing on the appointed day; and

(*b*) the preparation or approval of any general rate or special rate to be made in respect of a period commencing on the appointed day;

this Order shall operate from the affirmation of this Order by Resolution of each House of Parliament.

*Alteration of Borough*

**4.**—(1) The boundary of the existing borough, the area of which is coloured grey and purple on the maps and bounded by the outer edge of a blue colour band shall be altered so as to exclude that area which is coloured purple and to include in addition to the area coloured grey, the portions of the existing rural district which are coloured pink, brown, yellow and green on the maps.

(2) The boundary of the borough shall be that shown by the inner edge of the red colour band on the maps and the whole of the area within that boundary shall for all purposes be the borough.

(3) That part of the added area coloured pink shall be included within the Scrabo ward of the borough and the district electoral division of Scrabo and shall cease to form part of the district electoral division of Newtownards South.

(4) That part of the added area coloured brown shall be included within the Glen ward of the borough and the district electoral division of Glen and shall cease to form part of the district electoral divisions of Newtownards South and Newtownards North.

(5) That part of the added area coloured yellow shall be included within the Victoria ward of the borough and the district electoral division of Victoria and shall cease to form part of the district electoral division of Newtownards North.

(6) That part of the added area coloured green shall be included within the Castle ward of the borough and the district electoral division of Castle and shall cease to form part of the district electoral divisions of Newtownards North and Newtownards South.

(7) The excluded area which is coloured purple shall be excluded from the Scrabo ward of the borough and the district electoral division of Scrabo and shall form part of the townland of Scrabo and the district electoral division of Newtownards South.

*County Electoral Divisions*

**5.**—(1) For the purpose of the election of county councillors the added areas shall be separated from the Donaghadee and Comber county electoral divisions and shall be included in the Newtownards county electoral division.

(2) For the purpose of the election of county councillors the excluded area shall be separated from the Newtownards county electoral division and shall be included in the Comber county electoral division.

*Deposit and copies of Maps*

**6.**—(1) One of the maps shall be deposited in the offices of the Ministry and the duplicate map shall be deposited with the town clerk of Newtownards at his office.

(2) Copies of the map deposited with the town clerk of Newtownards, certified by him to be true, shall be sent by him within one month after the affirmation of this Order to the secretary of the county council, the clerk of the rural council, the Ministry of Finance, the Ministry of Home Affairs, the Ministry of Commerce, the Commissioner of Valuation, the Chief Survey Officer of Ordnance Survey, the Registrar General of Births, Deaths and Marriages and the Clerk of the Crown and Peace for the County of Down.

*Copies of Map to be Evidence*

**7.**—(1) Copies of or extracts from the map deposited with the town clerk of Newtownards, certified by him to be true, shall be received in all courts of justice and elsewhere as prima facie evidence of the contents of the map so far as it relates to the boundary of the borough.

(2) The map deposited with the town clerk of Newtownards shall at all reasonable times be open to inspection by any person liable to any rate leviable within the borough and any such person shall be entitled to a copy of or extract from the map certified by the town clerk to be true on payment of a reasonable fee to be determined by the borough council.

(3) All fees so received shall be carried to the general rate fund of the borough.

*Number of Borough Councillors and Aldermen*

**8.** Subject to the provisions of the Local Government Acts (Northern Ireland) 1898 to 1966, the number of councillors of the borough shall continue to be twelve and the number of aldermen of the borough shall continue to be four.

*Existing Mayor, Aldermen and Borough Councillors*

**9.**—(1) The persons who hold office immediately before the appointed day as the mayor, aldermen and councillors of the existing borough shall on the appointed day become the mayor, aldermen and councillors of the borough.

(2) Any alderman or councillor who immediately before the appointed day represents the Victoria, Scrabo, Castle or Glen ward of the existing borough shall as from the appointed day represent that ward as altered by this Order.

(3) If immediately before the appointed day a casual vacancy exists in the representation of the Victoria, Scrabo, Castle or Glen ward of the existing borough the vacancy shall be deemed to exist in the representation of that ward as altered by this Order.

*Existing County Councillors*

**10.** Any person who immediately before the appointed day is a county councillor representing an existing electoral division of the county which is altered by this Order shall be deemed to have been elected to represent that electoral division as so altered.

*Existing Rural District Councillors*

**11.** Any person in office immediately before the appointed day as a rural district councillor for the existing district electoral division of Newtownards South or of Newtownards North shall on the appointed day become a rural district councillor for such district electoral division as altered by this Order.

*Qualification of Members of Local Authorities*

**12.**—(1) For the purposes of the determination after the appointed day of the qualification of a person for election as an alderman of the borough or as a county councillor, borough councillor or district councillor the alteration of the area made by this Order shall be deemed to have had effect as from the 1st day of April 1967.

(2) Any alderman or councillor of the existing borough and any county councillor or district councillor who is to continue in office after the appointed day shall not during his present term of office be deemed to lose his qualification for being an alderman or councillor by reason of any alteration of area made by this Order.

*Term of Office of Members of Local Authorities*

**13.** Any member of a local authority affected by this Order shall retire from office on the day on which he would have retired from office if this Order had not been made and any person elected to fill a casual vacancy in the office of member of a local authority so affected shall retire from office on the day on which the person in whose place he is elected would have retired from office if this Order had not been made.

*Property and Liabilities of Councils*

**14.**—(1) Subject to the provisions of this Order all property immediately before the appointed day vested in the borough council for the benefit of the existing borough (not being property held on any charitable trust) shall by virtue of this Order be held by the borough council for the benefit of the borough and the borough council shall hold, enjoy and exercise for the benefit of the borough all the powers which immediately before that day are exercisable by or vested in them for the benefit of the existing borough and all liabilities which immediately before the appointed day attach to the borough council in respect of the existing borough shall on that day attach to them in respect of the borough.

(2) Subject to the provisions of this Order all property immediately before the appointed day vested in the rural council for the benefit of the existing rural district (not being property held on any charitable trust) shall by virtue of this Order be held by the rural council for the benefit of the rural district and the rural council shall hold, enjoy and exercise for the benefit of the rural district, all the powers which imediately before that day are exercisable by or vested in them for the benefit of the existing rural council and all liabilities which immediately before the appointed day attach to the rural council in respect of the existing rural district shall on that day attach to them in respect of the rural district.

*Mortgage Debts of Borough Council*

**15.**—(1) So much of any sums borrowed by the borough council as immediately before the appointed day is owing and charged upon a fund or rate of the existing borough shall be charged upon the corresponding fund or rate of the borough or the revenues of the borough as the case may require.

(2) All borrowed moneys to which this article applies with the interest thereon shall be repaid by the borough council within the respective periods for which the loans in respect of which the said sums are owing were originally sanctioned or within which the same are otherwise required to be repaid or are made repayable.

*Property and Liabilities relating to Added and Excluded Areas*

**16.**—(1) Any property or liabilities vested in or attaching to the rural council immediately before the appointed day in relation exclusively to the added area shall by virtue of this Order be transferred to and vest in the borough council as the urban authority for the execution of the Public Health Acts (Northern Ireland) 1878 to 1966.