EXPLANATORY NOTE

(This Note is not part of the Order but is intended to indicate its general purport.)

This Order has the effect of applying a 40 m.p.h. speed limit to various lengths of road in Counties Antrim, Armagh, Down and Londonderry. It also has the effect of applying a 50 m.p.h. speed limit to a section of the Londonderry-Ballykelly Road at Ballykelly, previously unrestricted.

The only instances of increasing the speed limit from 30 m.p.h. to 40 m.p.h. are on Lough Road, Lurgan, and on 100 yards of the Antrim-Crumlin Road, where the 30 m.p.h. speed limit has been found to be unrealistic.

Two short sections of road are restricted to 30 m.p.h.

1967. No. 60 **[C]**

LOCAL GOVERNMENT

County Fermanagh (Transfer of Functions) Order

ORDER*, DATED 6TH MARCH 1967, MADE BY THE MINISTRY OF DEVELOPMENT UNDER SECTIONS 1 TO 3 OF THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1966.

ARRANGEMENT OF ARTICLES

1. Title.
2. Commencement.
3. Interpretation.
4. Abolition of rural district councils.
5. Transfer of functions of corporation and borough council.
6. Transfer of functions of rural district councils.
7. Accounts of borough and rural district councils.
8. Duties of officers of borough and rural district councils and committees thereof.
9. References in enactments, etc., to borough and rural districts and councils and officers thereof.
10. Transfer of property, etc.
11. Constitution of county council.
12. Number of county councillors.
13. Application of s. 3(2) of 61 & 62 Vict. c. 37.
14. Constitution of borough council.
15. Number of members of borough council.
16. Election of borough council.
17. Casual vacancies in office of mayor and alderman.
18. Election of mayor and aldermen and meetings of borough council.
19. Appointment of deputy mayor.
20. Application of s. 4 of 1964. c. 21.
21. Funds, etc., of borough council.
22. Payment of allowance to mayor.
23. Audit of accounts of borough council.
24. County Education Committee.
25. County Health and Welfare Committees.
26. County Library Committee.

*The above Order was confirmed by Resolutions of the House of Commons on the 15th March 1967, and the Senate on the 21st March 1967.

27. Qualification of jurors.
28. Valuation lists.
29. Local Acts.
30. Rates.
31. General Exchequer Contribution.
32. Transfer of officers.

Whereas the councils of the borough of Enniskillen and the rural districts of Enniskillen, Irvinestown and Lisnaskea, have in accordance with the provisions of section 1 of the Local Government Act (Northern Ireland) 1966(**a**) resolved that their functions should be transferred to the council of the administrative county of Fermanagh:

And whereas the council of the administrative county of Fermanagh have resolved to accept such transfer:

Now therefore the Ministry of Development in exercise of the powers vested in it by sections 1 to 3 of the Local Government Act (Northern Ireland) 1966, and of every other power enabling it in that behalf, hereby makes the following Order:—

Title

1. This Order may be cited as the County Fermanagh (Transfer of Functions) Order (Northern Ireland) 1967.

Commencement

2. This Order shall come into operation for the following purposes, namely—

(*a*) the compilation, alteration or arrangement of any register of electors under the Electoral Law Act (Northern Ireland) 1962(**b**); and

(*b*) the holding of the election of county councillors as provided in this Order and discontinuing the holding of separate elections of aldermen and councillors for the borough and rural districts, including the provisions of Article 14(2);

on 1st April 1967, and for all other purposes on the appointed day.

Interpretation

3. In this Order—

"the appointed day" means 2nd June 1967;
"the borough" means the borough of Enniskillen;
"the borough council" means the council of the borough;
"the charter" means the charter of incorporation granted to the inhabitants of the urban district of Enniskillen on 29th April 1949;
"the corporation" means the mayor, aldermen and burgesses of the borough;
"the county" means the administrative county of Fermanagh;
"the county council" means the council of the county;
"the Ministry" means the Ministry of Development;
"the rural districts" means the rural districts of Enniskillen, Irvinestown and Lisnaskea;
"the rural district councils" means the councils of the rural districts.

Abolition of rural district councils

4. On the appointed day the rural district councils shall be dissolved and shall cease to exist.

(a) 1966. c. 38 (N.I.). (b) 1962. c. 14.

Transfer of functions of corporation and borough council

5.—(1) Subject to paragraph (2), the functions exercisable by the corporation and by the borough council immediately before the appointed day under any enactment or under the charter shall as from that day be transferred to and be exercised by the county council.

(2) The corporation and the borough council shall retain and continue to enjoy the dignities and privileges afforded by the charter and shall continue to receive and attend upon distinguished visitors to the borough and perform the customary functions of a ceremonial nature including the functions under section 11 of the Municipal Privilege Act, Ireland, 1876(**a**) (which provides for the grant of the honorary freedom of a borough) but otherwise the charter shall have effect subject to the provisions of this Order.

Transfer of functions of rural district councils

6. All the functions exercisable by the rural district councils immediately before the appointed day under any enactment shall as from that day be transferred to and be exercised by the county council.

Accounts of borough and rural district councils

7. The accounts of all receipts and payments of the borough and rural district councils and of joint committees thereof and of the respective officers of such councils and joint committees up to the appointed day shall, as soon as conveniently may be after that day, be audited and disallowances, surcharges, charges and penalties in relation to such accounts, receipts and payments shall be made, recovered and enforced in like manner as nearly as may be as if this Order had not been made.

Duties of officers of borough and rural district councils and committees thereof

8. Every officer of the borough and rural district councils or any committee thereof whose duty it is to make up any accounts of or to account for any portion of the receipts or payments of the said councils and also every member thereof or of any committee thereof shall, until the audit of the accounts of such receipts and payments up to the appointed day is completed, be deemed for the purposes of such audit to continue in office and be bound to perform the same duties and render the same accounts and be subject to the same liabilities as if this Order had not been made.

References in enactments, etc., to borough and rural districts and councils and officers thereof

9.—(1) The provisions of this Article shall apply in relation to the functions transferred by this Order.

(2) In the construction and for the purposes of any enactment, judgment, decree, order, award, warrant, deed, contract, regulation, bye-law, resolution, decision, consent, certificate or other document passed or made before the appointed day, any reference to, or which is to be construed as a reference to the borough or the rural districts or to the corporation or to the borough or rural district councils or to the urban or rural sanitary authorities shall, so far only as may be necessary for the purpose or in consequence of the transfer, be construed as a reference to the county or the county council and any reference to, or which is to be construed as a reference to, the town clerk or clerk of the district councils or to any officer of the borough or district councils shall, so far only as may be necessary for the purpose and in consequence of the transfer, be construed as a reference to the secretary of the

(a) 39 & 40 Vict. c. 76.

county council or such officer as the county council may nominate for the purpose.

(3) The transfer shall not affect any order, regulation, rule, bye-law, appointment, direction, instruction, approval, requirement or authorisation made or given or other thing done by the corporation, borough or rural district councils before the appointed day, but any such matter shall, if in force immediately before that day, continue in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the county council.

(4) Anything commenced before the appointed day, by or under the authority of the corporation, borough or rural district councils may, so far as it relates to any functions transferred, be carried on or completed by or under the authority of the county council.

(5) Where at the appointed day any legal proceeding is pending to which the corporation, the borough or the rural district councils are a party, and the proceeding has reference to any of the functions transferred, the county council shall be substituted in the proceeding for the corporation, the borough or the rural district councils, and the proceeding shall not abate by reason of the substitution.

Transfer of property, etc.

10. All property, rights and liabilities held, enjoyed or incurred before the appointed day by the corporation, the borough or rural district councils shall be transferred to the county council as from the appointed day, and accordingly, as from that day by virtue of this Order and without any further conveyance, transfer or assignment—

(*a*) the said property, real or personal, shall vest in the county council;

(*b*) the said rights shall be enjoyed by the county council; and

(*c*) the said liabilities shall become liabilities of the county council.

Constitution of county council

11. The areas of the county electoral divisions shall be as provided in the Order(**a**) made under section 7 of the Local Government Act (Northern Ireland) 1922(**b**) by the Ministry of Home Affairs on 5th day of December 1923, except that for the county electoral division of Enniskillen Urban there shall be substituted the three county electoral divisions comprising the areas set forth below:—

County Electoral Division	*Contents*
Enniskillen Borough East . .	The area of the County District Electoral Division of Enniskillen East Ward.
Enniskillen Borough North . .	The area of the County District Electoral Division of Enniskillen North Ward.
Enniskillen Borough South . .	The area of the County District Electoral Division of Enniskillen South Ward.

Number of county councillors

12. Notwithstanding anything in any enactment, the number of persons to be elected as councillors of the county council and the divisions for their election shall be as follows:—

(a) S.R. & O. (N.I.) 1923, No. 154. (b) 12 & 13 Geo. 5. c. 16 (N.I.).