

1973. No. 285

**LOCAL GOVERNMENT****Local Government (Modifications and Repeals) Order (Northern Ireland) 1973***Made . . . . . 29th August 1973**Coming into operation . . . . . 1st October 1973**To be laid before the Parliament of the United Kingdom  
under paragraph 4(5)(b) of the Schedule to the Northern  
Ireland (Temporary Provisions) Act 1972.*

The Ministry of Development on behalf of the Secretary of State and in exercise of the powers conferred on it by section 134 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 and commencement*

1. This Order may be cited as the Local Government (Modifications and Repeals) Order (Northern Ireland) 1973 and shall come into operation on 1st October 1973.

*Interpretation*

2.—(1) 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;

“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 transferred provision in relation to which that expression is used is in force;

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

“instrument” has the meaning assigned to it by section 1(c) of the Interpretation Act (Northern Ireland) 1954(b).

(2) For the purposes of this Order a transferred provision shall be deemed to have been passed or made in connection with the reorganisation of local government effected by the Local Government Act (Northern Ireland) 1972 if it provides for the exercise by any other body or person of functions which apart from that Act would have been exercisable by an existing local authority or an officer of such an authority.

*Modification of particular provisions*

3. The transferred provisions mentioned in columns 1 to 3 of the Schedule shall have effect subject to the modifications and repeals specified in column 4.

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

(b) 1954. c. 33 (N.I.).

*Modification of local and personal Acts*

4. For any reference, or any reference which is to be construed as a reference, to an existing local authority in any local or personal Act in relation to any function which is transferred to or conferred on a body or person under a transferred provision passed or made in connection with the reorganisation of local government effected by the Local Government Act (Northern Ireland) 1972 there shall be substituted a reference to that body or person and the Act shall have effect with that substitution and any other necessary modification and, where the body to which the function is transferred or on which the function is conferred is a district council, shall apply to the whole of the district of the council, except to the extent that such application is inconsistent with the provisions of the Act.

*Modification of adoptive Acts*

5. Where, under a transferred provision passed or made in connection with the reorganisation of local government effected by the Local Government Act (Northern Ireland) 1972, functions under an adoptive Act are transferred to

- (a) a district council, the Act so far as it relates to those functions shall apply to the whole of the district of the council; or
- (b) a government department, the Act so far as it relates to those functions shall apply to the whole of Northern Ireland.

*Modifications of subordinate legislation*

6. In the construction and for the purposes of any instrument made before 1st October 1973, any reference which is, or is to be construed as, a reference to an existing local authority in relation to any function which is transferred to or conferred on a body or person by a transferred provision passed or made in connection with the reorganisation of local government effected by the Local Government Act (Northern Ireland) 1972 shall, so far only as may be necessary for the purpose or in consequence of the transfer or the conferment, be construed as a reference to that body or person and any reference to the area of an existing local authority shall, so far as the context permits, be construed accordingly.

*Saving in relation to the Roads Act (Northern Ireland) 1948*

7. The modifications and repeals made by this Order in section 34 of and Schedule 5 to the Roads Act (Northern Ireland) 1948(c) or in any transferred provision amending that section or Schedule shall not have effect for the purposes of any transferred provision, other than the Special Roads Act (Northern Ireland) 1963, for the purposes of which that section or Schedule is applied with or without modifications.

Sealed with the Official Seal of the Ministry of Development for Northern Ireland this 29th day of August 1973.

(L.S.)

J. Marsh,  
Assistant Secretary.

## SCHEDULE

| Column 1<br><i>Chapter</i> | Column 2<br><i>Act</i>                 | Column 3<br><i>Relevant Provision</i> | Column 4<br><i>Modification or repeal</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------|----------------------------------------|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4 & 5 Will.<br>4 c. 61     | Bridges<br>(Ireland)<br>Act 1834       | Whole<br>Act.                         | The whole Act is repealed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 6 & 7 Will.<br>4 c. 116    | Grand<br>Jury<br>(Ireland)<br>Act 1836 | Section 3                             | The definitions of "district" and "county" are repealed.                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|                            |                                        | Sections<br>43 and<br>44              | The sections are repealed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|                            |                                        | Section<br>50                         | For the whole section substitute:—<br>"50. It shall be lawful for the Ministry of Development to widen or narrow any public road to any breadth and to gravel, macadamize, pave, fence, repair or otherwise improve any part of any public road or to fill up grips or trenches on the side of any public road and make sufficient fences, fill dykes or holes on the side of any public road and make, widen or deepen drains on the side of such road to carry off the water therefrom." |
|                            |                                        | Section 51                            | For the whole section substitute:—<br>"51. It shall be lawful for the Ministry of Development to make or repair any footpath along the side of any road."                                                                                                                                                                                                                                                                                                                                  |
|                            |                                        | Section 52                            | For the whole section substitute:—<br>"52. It shall be lawful for the Ministry of Development to gravel or repair with broken stone, any public road or any footpath upon the side of such road, or keep the battlements of any bridge upon such road in sufficient order and repair by contract for any space of time not exceeding seven years."                                                                                                                                         |
|                            |                                        | Section 54                            | For "county council on the report of the county surveyor" substitute "Ministry of Development", and for "county council or the county surveyor on their behalf" where it twice occurs, substitute "Ministry of Development".                                                                                                                                                                                                                                                               |
|                            |                                        | Section 55                            | For the whole section substitute:—<br>"55. It shall be lawful for the Ministry of Development to direct that any new road be laid out and made of any width not less than sixteen feet."                                                                                                                                                                                                                                                                                                   |

| Column 1<br><i>Chapter</i> | Column 2<br><i>Act</i>                                    | Column 3<br><i>Relevant Provision</i> | Column 4<br><i>Modification or repeal</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| 6 & 7 Will.<br>4 c. 116    | Grand Jury<br>(Ireland)<br>Act 1836<br>( <i>contd.</i> )  | Section 56                            | For the whole section substitute:—<br>“56. It shall be lawful for the Ministry of Development to make any public road with stones or gravel and to build, rebuild, repair, alter or enlarge any bridge, pipe, arch or gullet built of stones or brick or wood, under or on any such road, to fill or gravel over any such bridge, arch, pipe or gullet or to build or repair any wall or part of a wall necessary to the support of or to prevent any steep banks of earth from falling upon any such road or to erect any fence, railing or wall for the protection of travellers from dangerous precipices or holes on the side of any public road.” |
|                            |                                                           | Sections 58 and 66                    | The sections are repealed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|                            |                                                           | Section 87                            | The word “surveyor” is repealed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|                            |                                                           | Section 122                           | The section is repealed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|                            |                                                           | Section 162                           | For “Every county surveyor” substitute “The Ministry of Development”.<br>For “in pursuance of a resolution of a county council” substitute “on behalf of the Ministry of Development”.<br>For “such surveyor or” substitute “the Ministry or any such”.<br>For “or surveyor” substitute “or the Ministry”.                                                                                                                                                                                                                                                                                                                                             |
| 8 & 9 Vict.<br>c. cxlii    | An Act for the Improvement of the Borough of Belfast 1845 | Section 165                           | The section is repealed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|                            |                                                           | Section 15                            | The section is repealed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 9 & 10<br>Vict. c. 87      | Baths and Wash-houses (Ireland) Act 1846                  | Section 2                             | The definitions of “town”, “town fund”, “town commissioners” and “clerk” are repealed and the following definition is inserted in appropriate alphabetical order:—<br>““district council” means a council established under the Local Government Act (Northern Ireland) 1972;”.                                                                                                                                                                                                                                                                                                                                                                        |

| Column 1<br><i>Chapter</i> | Column 2<br><i>Act</i>                                        | Column 3<br><i>Relevant Provision</i> | Column 4<br><i>Modification or repeal</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------------|---------------------------------------------------------------|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9 & 10<br>Vict. c. 87      | Baths and Wash-houses (Ireland) Act 1846<br>( <i>contd.</i> ) | Section 11                            | For "The council and town commissioners respectively" substitute "A district council"                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|                            |                                                               | Section 13                            | For "The council of any such borough and the town commissioners respectively, as the case may be" substitute "A district council", for "the said council or town commissioners respectively" substitute "such a council", for the words from "mayor" onwards substitute "council", the words "in any such borough or such city or town as aforesaid", the word "respectively" in the second place where it occurs, the words "in any such borough or such city or town", the words from "with the consent of" where they first occur to "as the case may be, and" and the words "or town commissioners" where they last occur are repealed. |
|                            |                                                               | Section 19                            | Before the word "council" insert "district", the words "as to any borough", and the words from "and, as to any" onwards are repealed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|                            |                                                               | Section 20                            | The words "and town commissioners" where they twice occur and the word "respectively" where it occurs for the first, fourth, fifth and sixth times are repealed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|                            |                                                               | Section 22                            | The words "or town commissioners" are repealed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|                            |                                                               | Section 23                            | The words "and the town commissioners respectively" and "or town commissioners respectively" are repealed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|                            |                                                               | Section 24                            | For "officers, servants and others having the management thereof" substitute "district council".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|                            |                                                               | Schedule A                            | The words "or town commissioners" where they twice occur are repealed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 14 & 15<br>Vict. c. 92     | Summary Jurisdiction (Ireland) Act 1851                       | Sections 9, 10 and 14                 | For any reference to a county surveyor or a surveyor substitute a reference to the Ministry of Development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|                            |                                                               | Section 10                            | In the proviso, the words "surveyor or", in the last two places where they occur, are repealed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |