

1973 No. 2095

NORTHERN IRELAND

The Local Government Reorganisation (Consequential Provisions) (Northern Ireland) Order 1973

Laid before Parliament in draft

Made - - - - 12th December 1973

Coming into Operation 19th December 1973

At the Court at Buckingham Palace, the 12th day of December 1973

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by section 38 of the Northern Ireland Constitution Act 1973(a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:—

Citation, commencement, interpretation and extent

1.—(1) This Order may be cited as the Local Government Reorganisation (Consequential Provisions) (Northern Ireland) Order 1973.

(2) This Order shall come into operation on the seventh day after the day on which it is made.

(3) Any reference in this Order to any enactment is a reference to that enactment as amended by, and includes a reference to that enactment as extended or applied by, any other enactment.

(4) In this Order, any reference to an enactment is a reference to that enactment as it has effect in Northern Ireland.

(5) In this Order “enactment” includes an enactment of the Parliament of Northern Ireland.

(a) 1973 c. 36.

(6) The Interpretation Act 1889(a) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(7) This Order extends to Northern Ireland only.

Parliamentary elections: amendments consequential on reorganisation of local government in Northern Ireland

2.—(1) For the purposes of the Representation of the People Acts, the Chief Electoral Officer for Northern Ireland shall be—

- (a) the electoral registration officer for each constituency in Northern Ireland; and
- (b) the returning officer for a parliamentary election in the case of each such constituency.

(2) The Secretary of State shall pay to the Ministry of Home Affairs for Northern Ireland such sum as he considers appropriate in respect of the functions exercised under the Representation of the People Acts by the Chief Electoral Officer for Northern Ireland.

(3) Sections 14(5) and 14A(2) and (3) of the Electoral Law Act (Northern Ireland) 1962(b) (which were respectively substituted and inserted by Article 6 of the Electoral Law (Northern Ireland) Order 1972(c) and concern a temporary deputy for the Chief Electoral Officer and the appointment of persons to assist that Officer) and the definition of “Chief Electoral Officer” in section 130(1) of that Act (which was inserted by Schedule 2 to that Order) shall have effect in relation to the Chief Electoral Officer in his capacity as electoral registration officer and returning officer by virtue of this Article.

(4) For the purposes of section 12(4) of the Representation of the People Act 1949(d) (postal voting) and section 15 of that Act (voting by proxy) an address in Northern Ireland shall not be treated as in the same area as a qualifying address unless both addresses are within the same ward in Northern Ireland.

(5) In the proviso to section 136(3) of the said Act of 1949 (costs of election petition) for the words “the council of any county or county borough” there shall be substituted the words “the district council for the district”.

(6) In the following provisions (which prescribe the persons before whom certain declarations are to be made), that is to say—

- (a) proviso (c) to rule 32(3) of the parliamentary elections rules set out in Schedule 2 to the said Act of 1949;
- (b) section 8(4)(c) of the Representation of the People Act 1969(e);
- (c) paragraph 8(3) of Part II of Schedule 1 to the said Act of 1969,

for the words “the secretary of a county council or a town clerk” there shall be substituted the words “the clerk of a district council”.

(7) In paragraph 4(1)(c) of Schedule 2 to the House of Commons (Redistribution of Seats) Act 1949(f) (county district in Northern Ireland not to be included partly in one constituency and partly in another) for the words “county district” there shall be substituted the word “ward”; and in section 4(2) of the House of Commons (Redistribution of Seats) Act 1958(g) (objections to recommendation of Boundary Commission), “interested authority” in relation to any recommendation means the district council for a district which is wholly or partly comprised in the constituencies affected by the recommendation.

| | | |
|-----------------|------------------------|--------------------------------------|
| (a) 1889 c. 63. | (b) 1962 c. 14 (N.I.). | (c) S.I. 1972/1264 (N.I. 13). |
| (d) 1949 c. 68. | (e) 1969 c. 15. | (f) 1949 c. 66. (g) 1958 c. 26. |

Appointment etc. of certain sheriffs

3.—(1) Notwithstanding any enactment, each person who is the holder of, or is executing, the office of sheriff of a county borough on 22nd June 1974 shall continue to hold, or, as the case may be, to execute, that office until 31st December 1974.

(2) The sheriff of a county borough shall be nominated and appointed for the year ending on 31st December 1975 and each subsequent year in the same manner as the sheriff of a county, and subject to the same terms and conditions; and the enactments which apply to the sheriff of a county shall apply to the sheriff of a county borough.

Extension of ss. 19(1) and 21 of Northern Ireland Constitution Act 1973

4. Subsection (1) of section 19 of the Northern Ireland Constitution Act 1973 shall have effect in relation to Enterprise Ulster, a Health and Social Services Board, the Northern Ireland Central Services Agency for the Health and Social Services and the Northern Ireland Staffs Council for the Health and Social Services as it has effect in relation to the persons referred to in that subsection and section 21 of that Act shall have effect in relation to those bodies as it has effect in relation to the bodies to which that section applies.

Amendments and repeals

5.—(1) The enactments set out in Schedule 1 shall have effect subject to the amendments specified in that Schedule (being amendments arising out of the reorganisation of local government in Northern Ireland and the establishment of certain bodies there).

(2) The enactments set out in Schedule 2 are hereby repealed to the extent specified in column 3 of that Schedule.

W. G. Agnew.

SCHEDULE 1

Article 5(1).

AMENDMENTS OF ACTS

The Telegraph Act 1863 (c. 112)

1. In section 21, in the first proviso, after "subject nevertheless" insert "to the provisions of sections 23 to 29 of this Act and".

The Telegraph Act 1892 (c. 59)

2. In section 3 for the words from the beginning to "those Acts" substitute "For the purposes of the Telegraph Acts 1863 and 1878"**(a)**.

3. In section 11 for the paragraph beginning "A reference to the Public Health Act 1875" substitute the following:—

"(1) For section 5(2) there shall be substituted the following subsection:—

'(2) Provided that, notwithstanding anything in the Telegraph Act 1878, a licensee shall not exercise any powers under the said enactments in any district without the consent of the district council and shall be subject to any terms and conditions which the district council may attach to any such consent and shall comply with any regulations of the district council from time to time in force in relation to telegraphic lines.'; and

(2) In section 6(1) for the words 'the Electric Lighting Act 1882', where they first occur, there shall be substituted the words 'the Electricity Supply (Northern Ireland) Order 1972'**(b)**; and for the words 'the local authority as defined by the Electric Lighting Act 1882' there shall be substituted the words 'the district council'."

(a) 1863 c. 112; 1878 c. 76.

(b) S.I. 1972/1072 (N.I.9).

The Northern Ireland Land Act 1929 (c. 14)

4. In section 7(1)(c) for the words from “the annual rateable value thereof as shown in the revised valuation lists” to “the amount certified by the Commissioner of Valuation to be the annual rateable value” substitute “the amount which the Commissioner of Valuation certifies would have been entered, at the time when the notice was given, in the valuation list in force under the Rates (Northern Ireland) Order 1972(a) as the net annual value of the holding or part of a holding, if the holding or part of a holding had been a hereditament within the meaning of that Order and if it had been valued under the provisions repealed by that Order”.

The Food and Drugs Act 1955 (4 & 5 Eliz. 2 c. 16)

5. In Schedule 10—

- (a) in paragraph 2(c) for “health authority or a port sanitary authority” substitute “district council”;
- (b) in the Table at the end of paragraph 2, in the paragraph substituted for paragraph (a) of section 87(3), for “health authorities, port sanitary authorities” substitute “district councils”.

The Post Office Act 1969 (c. 48)

6. In section 12(4) and (6) for “(2) or (3)” substitute (in each case) “or (2)”.

7. In section 54—

- (a) in subsection (1)—
- (i) for “valuation lists coming into force for the year beginning” substitute “valuation list coming into force on, or, as the case may be, in force on and after,”;
- (ii) for “rating authorities” (twice) substitute “district councils”;
- (b) in subsection (2)—
- (i) for “lists” substitute “list”, and
- (ii) for “areas of local authorities” substitute “districts of district councils”;
- (c) in subsection (3) for “areas of the local authorities” substitute “districts of the district councils”;
- (d) in subsection (4) for “valuation lists” substitute “the valuation list”;
- (e) in subsection (9) for the definition of “relevant year” substitute—
- “ ‘relevant year’ means—
- (a) the year 1973;
- (b) the calendar year in which the third, and any subsequent, general revaluation first comes into force;
- (c) each successive fifth year after 1973 unless a year such as is mentioned in paragraph (b) has occurred within the preceding five years.”.

8. In section 86(1), in the definition of “local authority”, for paragraph (c) substitute—

“(c) in relation to Northern Ireland, means a district council, the Northern Ireland Housing Executive, the Northern Ireland Electricity Service or an Education and Library Board;”.

The National Savings Bank Act 1971 (c. 29)

9. In section 22(4) for “and (e)” substitute “,(e) and (g)”.

10. In Schedule 1—

- (a) in paragraph 1(a) for “section 7 of the Public Health and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1949” substitute “section 63 of the Local Government Act (Northern Ireland) 1972”(b);

(a) S.I. 1972/1633 (N.I. 16).

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

(b) for paragraph 4(1) substitute—

“(1) For the purposes of section 70(2)(b) of the Local Government Act (Northern Ireland) 1972, so far as it relates to regulations with respect to registers of securities, ‘security’ shall include a charge arising by virtue of this Schedule, and such a charge shall be deemed to have been created on the date of the agreement giving rise to the charge.”.

The Civil Aviation Act 1971 (c. 75)

11. In section 17(6), after “in Northern Ireland” insert “or under the Planning (Northern Ireland) Order 1972(a) by the Ministry of Development for Northern Ireland or the Planning Appeals Commission”.

SCHEDULE 2

Article 5(2).

REPEALS

| Chapter | Short Title | Extent of Repeal |
|------------------------------|--|---|
| 3 & 4 Vict. c. 108. | The Municipal Corporations (Ireland) Act 1840. | Section 152. |
| 26 & 27 Vict. c. 112. | The Telegraph Act 1863. | In section 9, the words from “within the limits” to “latest census)” and “within such respective limits”. In section 21, in the first proviso, the words from “with respect” to “as a city or large town)”, the words “in a city or large town” and paragraph (1). In section 23, the words from “(not being a street” to “large town)” and the words “(not being such a street as aforesaid)”. |
| 39 & 40 Vict. c. 76. | The Municipal Privilege Act, Ireland, 1876. | The whole Act so far as it relates to sheriffs. |
| 55 & 56 Vict. c. 59. | The Telegraph Act 1892. | In section 9, the definitions of “urban sanitary authority” and “urban sanitary district”. |
| 61 & 62 Vict. c. 37. | The Local Government (Ireland) Act 1898. | In section 69(1) the words “sheriff and” where they twice occur and the words from “and as respects” to “Act provided”. Section 94(12). |
| 8 Edw. 7 c. 33. | The Telegraph (Construction) Act 1908. | In section 2, the words “which (as amended by section three of the Telegraph Act 1892) are not of general application”, “be of general application, and”, “to rural districts and” and the words from “; but, in the case” onwards. |
| 24 & 25 Geo. 5 c. 22 (N.I.). | The Local Government Act (Northern Ireland) 1934. | Section 1(5). |
| 12, 13 & 14 Geo. 6 c.66. | The House of Commons (Redistribution of Seats) Act 1949. | In Schedule 2, in paragraph 4(2), in the definition of “county district” the words “in sub-paragraph (c), the same meaning as in the Local Government (Ireland) Act 1898”. |

(a) S.I. 1972/1634 (N.I. 17).

| Chapter | Short Title | Extent of Repeal |
|-----------------------------|---|---|
| 12, 13 & 14 Geo. 6 c.68. | The Representation of the People Act 1949. | Section 6(4). In section 9, in subsection (1)(c) the words "except in Northern Ireland" and sub- section (2). Section 12(7). Section 15(3). Section 17(3). Section 19. Section 21. In section 41, subsection (4)(b), in subsection (5) the words from "and in Northern Ireland" onwards, and subsection (6). Section 43(4). Section 44. In section 136(3), in the proviso, the words from "and the said costs" onwards. In Schedule 4, paragraph 1. |
| 4 & 5 Eliz. 2 c. 16. | The Food and Drugs Act 1955. | In Schedule 10, paragraphs 2(d) and 4. |
| 1969 c.15. | The Representation of the People Act 1969. | Section 6(1). |
| 1969 c. 48. | The Post Office Act 1969. | In section 12, subsection (3), in subsection (5), the words "or (3)" and subsection (9). In section 54, subsections (5) to (7) and in subsection (9), the definitions of "annual revision", "interim revision" and "local authorities". |
| 1971 c. 75. | The Civil Aviation Act 1971. | In Schedule 9, paragraph 7(3) and (4). |

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes consequential amendments in Acts of the United Kingdom Parliament to take account of local government reorganisation in Northern Ireland and extends sections 19 and 21 of the Northern Ireland Constitution Act 1973 to four named bodies. In particular, Article 2 makes the chief electoral officer for Northern Ireland the electoral registration officer and the returning officer for constituencies in Northern Ireland which return members to the Parliament of the United Kingdom.

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