1972. No. 327 [NC]

HOUSING EXECUTIVE ACT (NORTHERN IRELAND) 1971

Appointed Day—Craigavon Development Commission

ORDER, DATED 29TH NOVEMBER 1972, MADE BY THE SECRETARY OF STATE UNDER SECTION 7 OF THE HOUSING EXECUTIVE ACT (NORTHERN IRELAND) 1971.

In exercise of the powers conferred on me by section 7 of the Housing Executive Act (Northern Ireland) 1971(**a**) (hereinafter referred to as "the Act") and section 1(1) of the Northern Ireland (Temporary Provisions) Act 1972(**b**) I hereby order as follows:—

1. This Order may be cited as the Housing Executive (Appointed Day—Craigavon Development Commission) Order (Northern Ireland) 1972.

2. The new town commission specified for the purposes of this Order is the Craigavon Development Commission (hereinafter called "the transferor").

3. The day appointed for the purposes of the section 7(1)(*b*) of the Act in its application to the Craigavon Development Commission shall be the 4th December 1972 (hereinafter called the "appointed day").

4. In the construction and for the purposes of any statutory provision, decree, order, award, deed, certificate, or other document whatsoever passed or made before the appointed day, any reference to, or which is to be construed as a reference to the transferor shall, so far as it relates to the housing functions transferred by virtue of this Order, be construed as a reference to the Executive.

5. Every bond guarantee or other security of a continuing character made or given or deemed to have been made or given by the transferor to another person or by any person to the transferor and in force immediately before the appointed day and every contract or agreement in writing made or deemed to have been made between the transferor and another person and not fully executed and completed before the appointed day shall, so far as it relates to the housing functions transferred by virtue of this Order, continue in force after the appointed day but shall be construed and have effect as if the name of the Executive was substituted therein for the name of the transferor and such security contract or agreement shall be enforceable by or against the Executive accordingly.

6. Every resolution passed or deemed to have been passed, order made or deemed to have been made or notice served or deemed to have been served or anything commenced by or under the authority of the transferor before the appointed day in respect of the housing functions transferred by virtue of this Order, the operation effect or terms of which had not ceased or expired before that day, shall after the appointed day and so far as it is not inconsistent with the Act or any order made thereunder, continue in force and have effect, be carried on and be completed by or under the authority of the Executive.

(a) 1971. c. 5. (N.I.). (b) 1972. c. 22.

7. Where at the appointed day any legal proceeding in any court or tribunal is pending in relation to the housing functions transferred by virtue of this Order and in which the transferor is a party, the Executive shall be substituted for the transferor and the proceeding shall not abate by reason of the substitution.

8. In any deed contract, agreement in writing or document, which has reference to housing functions transferred by virtue of this Order, there shall be substituted for any reference (however worded, expressed or implied) to any officer or servant of the transferor as respects anything falling to be done on or after the appointed day by such officer or servant, a reference to such person as the Executive may appoint, or in default of appointment, to the officer or servant of the Executive who corresponds as nearly as may be to the first mentioned officer or servant.

9. In section 29(2) of the Planning and Housing Act (Northern Ireland) 1931(c) for the word "them" there shall be substituted the words "a person appointed by the Northern Ireland Housing Executive whose report that body shall consider" and at the end of the sub-section there shall be added the words " by the person appointed by the Northern Ireland Housing Executive".

Dated this 29th day of November 1972.

W. S. I. Whitelaw,
One of Her Majesty's Principal Secretaries of State.

(c) 21 & 22 Geo. 5. c. 12 (N.I.).