1972. No. 107

HOUSING EXECUTIVE ACT (NORTHERN IRELAND) 1971

Appointed Day—Local Authorities

ORDER, DATED 31ST MARCH 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 1 of the Northern Ireland (Temporary Provisions) Act 1972(**a**) and Section 7 of the Housing Executive Act (Northern Ireland) 1971(**b**) (hereinafter referred to as "the Act") I hereby order as follows:—

1. This Order may be cited as the Housing Executive (Appointed Day—Local Authorities) Order (Northern Ireland) 1972.

2. The local authorities specified for the purposes of this Order (hereinafter called "the transferors") are set out in the Schedule.

3. The day appointed for the purposes of Section 7(1)(*b*) of the Act in its application to the transferors shall be the 3rd April 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 any of the transferors 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 any of the transferors to another person or by any person to any of the transferors and in force immediately before the appointed day and every contract or agreement in writing made or deemed to have been made between any of the transferors 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 named therein 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 any of the transferors 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, and may be carried on and be completed by or under the authority of the Executive.

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

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 any of the transferors is a party, the Executive shall be substituted for the transferor named therein 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 the 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 any of the transferors, 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 31st day of March 1972.

W. Whitelaw

Secretary of State for
Northern Ireland

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

SCHEDULE

Fermanagh County Council
Ballymena Borough Council
Bangor Borough Council
Carrickfergus Borough Council
Coleraine Borough Council
Larne Borough Council
Lisburn Borough Council
Lurgan Borough Council
Newtownards Borough Council
Portadown Borough Council
Armagh Urban District Council
Ballycastle Urban District Council
Ballyclare Urban District Council
Ballymoney Urban District Council
Banbridge Urban District Council
Cookstown Urban District Council
Donaghadee Urban District Council
Downpatrick Urban District Council
Dromore Urban District Council
Dungannon Urban District Council
Holywood Urban District Council
Keady Urban District Council
Kilkeel Urban District Council
Limavady Urban District Council
Newcastle Urban District Council
Newry Urban District Council
Newtownabbey Urban District Council
Omagh Urban District Council
Portrush Urban District Council
Portstewart Urban District Council
Strabane Urban District Council
Tandragee Urban District Council
Warrenpoint Urban District Council
Whitehead Urban District Council
Antrim Rural District Council
Armagh Rural District Council
Ballycastle Rural District Council
Ballymena Rural District Council
Ballymoney Rural District Council
Banbridge Rural District Council
Castlederg Rural District Council
Castlereagh Rural District Council
Clogher Rural District Council
Coleraine Rural District Council
Cookstown Rural District Council
Dungannon Rural District Council
East Down Rural District Council
Hillsborough Rural District Council
Larne Rural District Council
Limavady Rural District Council
Lisburn Rural District Council
Magherafelt Rural District Council
Moira Rural District Council
Newry No. 1 Rural District Council
Newry No. 2 Rural District Council
North Down Rural District Council
Omagh Rural District Council
South Down Rural District Council
Strabane Rural District Council
Tandragee Rural District Council