1973. No. 140 **[C]**

LOCAL GOVERNMENT

Transfer of Functions

ORDER, DATED 2ND MAY 1973, MADE BY THE MINISTRY OF DEVELOPMENT UNDER SECTION 133(1) OF THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972.

The Ministry of Development on behalf of the Secretary of State and in exercise of the powers conferred on it by section 133(1) 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

1. This Order may be cited as the Local Government (Transfer of Functions) Order (Northern Ireland) 1973.

Interpretation

2. 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;

"Belfast Corporation" means the Lord Mayor, Aldermen and Citizens of the City of Belfast, acting by the Council of the City;

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

Transfer of functions to government departments

3. The functions exercisable immediately before 1st October 1973 by an existing local authority, or by an officer of such an authority, under or for the purposes of any transferred provision set out in Schedule 1 shall be, and are hereby, transferred on that date to the government department specified in relation to that provision in Part I or, as the case may be, Part II of the Schedule.

Transfer of functions to district councils

4. The functions exercisable immediately before 1st October 1973 by an existing local authority, or by an officer of such an authority, under or for the purposes of any transferred provision set out in Schedule 2 shall be, and are hereby, transferred on that date—

(*a*) where the provision is a provision of an adoptive Act, to the district council for the district which includes any part of the area of an existing local authority with respect to which the function was so exercisable, or

(*b*) in any other case, to the district council for each district.

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

Transfer of functions to officers of district councils

5. The functions exercisable immediately before 1st October 1973 by an officer of an existing local authority under or for the purposes of any transferred provision set out in Schedule 3 shall be, and are hereby, transferred on that date—

(*a*) where the provision is a provision of an adoptive Act, to the officer of the district council for the district which includes any part of the area of an existing local authority with respect to which the function was so exercisable who is specified in relation to that provision in Part I, Part II, Part III or Part IV, as the case may be, of the Schedule, or

(*b*) in any other case, to the officer of the district council for each district who is specified in relation to that provision in Part I, Part II, Part III or Part IV, as the case may be, of the Schedule.

Transfer of functions to specified district councils

6. The functions exercisable immediately before 1st October 1973 by any existing local authority specified in Schedule 4, or by an officer of such authority under or for the purposes of any transferred provision set out in that Schedule shall be, and are hereby, transferred on that date to the district council for the district which is specified in relation to that provision in Part I or, as the case may be, Part II of the Schedule.

Transfer of functions to the Northern Ireland Housing Executive

7. The functions exercisable immediately before 1st October 1973 by an existing local authority, or by an officer of such an authority, under or for the purposes of any transferred provision set out in Schedule 5 shall be, and are hereby, transferred on that date to the Northern Ireland Housing Executive.

Transfer of functions under certain local or personal Acts

8.—(1) Any function conferred on an existing local authority by a local or personal Act (including an Act confirming a provisional order) which corresponds to—

(*a*) a function conferred by a public general Act for the transfer of which provision is made by this Order or by section 133(2) of the Local Government Act (Northern Ireland) 1972; or

(*b*) a function conferred by any provision of the Local Government Act (Northern Ireland) 1972; or

(*c*) a function, other than a function mentioned in sub-paragraph (*a*) or (*b*), which is conferred by any public general Act passed in connection with the reorganisation of local government effected by the Local Government Act (Northern Ireland) 1972;

shall be and is hereby transferred on 1st October 1973 to the body to which the function under a public general Act such as is mentioned in sub-paragraph (*a*) is so transferred or on which the function under the Local Government Act (Northern Ireland) 1972 or a public general Act such as is mentioned in sub-paragraph (*c*) is so conferred.

(2) In paragraph (1) "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 local or personal Act is in force, and for the purposes of sub-paragraph (*c*) of that paragraph a public general Act shall be deemed to have been passed in connection with the reorganisation of local government if it provides for the exercise by any other body of functions which apart from that Act would have been exercisable by an existing local authority.

(3) Any reference in this Article to a public general Act includes a reference to an Order-in-Council which has the same effect as such an Act and any reference to such an Act being passed shall be construed accordingly.

Sealed with the Official Seal of the Ministry of Development for Northern Ireland this 2nd day of May 1973.

(L.S.)

J. Marsh,
Assistant Secretary.

SCHEDULE 1

PART I

Transferred provisions relating to functions transferred from an existing local authority or an officer of such authority to the Ministry of Development

Chapter	*Act*	*Relevant provisions*
17 & 18 Vict. c. 103	Towns Improvement (Ireland) Act 1854	Sections 36, 37, 38 (in so far as it relates to improving the line of streets and removing obstructions), 39 (except in so far as it relates to ruinous or dangerous buildings), 40, 41 (in so far as it relates to the beginning of works under the above-mentioned sections of the Act) and 51
41 & 42 Vict. c. 52	Public Health (Ireland) Act 1878	Sections 29, 38 to 42, and 80 (in so far as it relates to street lighting)
53 & 54 Vict. c. 59	Public Health Acts Amendment Act 1890	Sections 23 (in so far as it relates to the laying out of new streets), 35, 39 and 43
7 Edw. 7 c. 53	Public Health Acts Amendment Act 1907	Sections 15 to 18, 20, 22, 28, 29, 78 and 91
18 & 19 Geo. 5 c. 10	Roads Improvement Act (Northern Ireland) 1928	Section 7
5 & 6 Geo. 6 c. 13	Clogher Valley Railway and Roads Act (Northern Ireland) 1941	Section 7
1955 c. 13	Public Health and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1955	Section 7
1964 c. 27	Private Streets Act (Northern Ireland) 1964	Whole Act
1968 c. 30	Local Government and Roads Act (Northern Ireland) 1968	Part I in so far as it relates to road works
1970 c. 2	Road Traffic Act (Northern Ireland) 1970	Section 178 (4), (5) and (6)

Any transferred provision in force on 1st October 1973 which modifies any of the above-mentioned transferred provisions.

PART II

Transferred provisions relating to functions transferred from an existing local authority or an officer of such authority to the Ministry of Home Affairs

Chapter	*Act*	*Relevant provisions*
17 & 18 Vict. c. 103	Towns Improvement (Ireland) Act 1854	Sections 56 and 70
38 & 39 Vict. c. 17	Explosives Act 1875	Whole Act
1950 c. 11	Civil Defence Act (Northern Ireland) 1950	Section 6
1970 c. 2	Road Traffic Act (Northern Ireland) 1970	Section 178(1), (2) and (3)

Any transferred provision in force on 1st October 1973 which modifies any of the above-mentioned transferred provisions.

SCHEDULE 2

Transferred provisions relating to functions transferred from an existing local authority or an officer of such authority to district councils

Chapter	*Act*	*Relevant provisions*
9 & 10 Vict. c. 87	Baths and Washhouses (Ireland) Act 1846	Whole Act
17 & 18 Vict. c. 103	Towns Improvement (Ireland) Act 1854	Sections 38 (in so far as it relates to naming streets and numbering houses), 39 (in so far as it relates to ruinous or dangerous buildings), 41 (in so far as it relates to the beginning of works under the above-mentioned sections of the Act), 43, 44, 47, 50, 55, 71, 72, 77 and 79 to 88
18 & 19 Vict. c. 40	Public Libraries Act (Ireland) 1855	Whole Act in so far as it applies to museums and art galleries
22 & 23 Vict. c. 66	Sale of Gas Act 1859	Whole Act
23 & 24 Vict. c. 146	Sale of Gas Act 1860	Whole Act
32 & 33 Vict. c. 28	Public Parks (Ireland) Act 1869	Whole Act
35 & 36 Vict. c. 6	Public Parks (Ireland) Act 1869 Amendment Act 1872	Whole Act
35 & 36 Vict. c. 69	Local Government Board (Ireland) Act 1872	Section 10
41 & 42 Vict. c. 52	Public Health (Ireland) Act 1878	Sections 48, 51 (except in so far as it applies to an officer), 59, 118, 172, 191 and 258
48 & 49 Vict. c. 72	Housing of the Working Classes Act 1885	Sections 7 and 9
50 & 51 Vict. c. 27	Markets and Fairs (Weighing of Cattle) Act 1887	Whole Act
52 & 53 Vict. c. 21	Weights and Measures Act 1889	Section 15
53 & 54 Vict. c. 59	Public Health Acts Amendment Act 1890	Sections 19, 22, 27, 37 and 47
54 & 55 Vict. c. 22	Museums and Gymnasiums Act 1891	Whole Act

Chapter	*Act*	*Relevant provisions*
54 & 55 Vict. c. 70	Markets and Fairs (Weighing of Cattle) Act 1891	Whole Act
57 & 58 Vict. c. 38	Public Libraries (Ireland) Act 1894	Whole Act in so far as it applies to museums and art galleries
1 Edw. 7 c. 19	Public Libraries Act 1901	Whole Act in so far as it applies to museums and art galleries
7 Edw. 7 c. 53	Public Health Acts Amendment Act 1907	Sections 34, 39 to 41, 45, 46, 49, 85 and 86
9 Edw. 7 c. 30	Cinematograph Act 1909	Whole Act
1 & 2 Geo. 5 c. 52	Rag Flock Act 1911	Whole Act (except section 1(5) in so far as it applies to an officer)
3 & 4 Geo. 5 c. 17	Fabrics (Misdescription) Act 1913	Whole Act
9 & 10 Geo. 5 c. 72	Rats and Mice (Destruction) Act 1919	Whole Act
10 & 11 Geo. 5 c. 28	Gas Regulation Act 1920	Whole Act
12 & 13 Geo. 5 c. 20	Uniformity of Laws Act (Northern Ireland) 1922	Whole Act in so far as it applies to the Celluloid and Cinematograph Film Act 1922 (12 & 13 Geo. 5 c. 35)
16 Geo. 5 c. 4	Administrative Provisions Act (Northern Ireland) 1926	Section 12
20 Geo. 5 c. 13	Petroleum (Consolidation) Act (Northern Ireland) 1929	Whole Act
2 & 3 Geo. 6 c. 3	Hairdressers Act (Northern Ireland) 1939	Whole Act (except sections 2(3) and 4(2) in so far as they apply to an officer)
1945 c. 9	Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945	Section 30
1946 c. 19	Public Health and Local Government (Administrative Provisions) Act (Northern Ireland) 1946	Section 25A
1949 c. 21	Public Health and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1949	Section 19

Chapter	Act	Relevant provisions
1953 c. 6	Health Services Act (Northern Ireland) 1953	Section 38
1955 c. 31	Pharmacy and Poisons Act (Northern Ireland) 1955	Section 3(1)
1957 c. 4	Auctions (Local Control) Act (Northern Ireland) 1957	Whole Act
1957 c. 27	Marketing of Eggs Act (Northern Ireland) 1957	Section 9
1958 c. 13	Diseases of Animals Act (Northern Ireland) 1958	Sections 35(1) to (3), 36 and 38
1958 c. 27	Food and Drugs Act (Northern Ireland) 1958	Whole Act (except (i) sections 9(1) and (2), 11(1), 28, 34(1), 35, 36A(1) and (7) other than paragraph (*a*)), 41(1), (2) and (4) and 42(1) and section 58 and the second Schedule in so far as they relate to sections 33, 35, 41 and 42, and (ii) section 33 in so far as it applies to an officer)
1958 c. 31	Marketing of Milk Products Act (Northern Ireland) 1958	Section 11(6)
1959 c. 20	Cinematograph Act (Northern Ireland) 1959	Whole Act
1960 c. 23	Litter Act (Northern Ireland) 1960	Whole Act
1962 c. 7	Administrative and Financial Provisions Act (Northern Ireland) 1962	Section 6(2) in so far as it relates to section 36A(2), (3), (6) and (7) (except paragraph (*b*)) of the Food and Drugs Act (Northern Ireland) 1958
1963 c. 17	Caravans Act (Northern Ireland) 1963	Whole Act
1964 c. 16	Clean Air Act (Northern Ireland) 1964	Whole Act
1965 c. 3	Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1965	Section 12
1965 c. 9	Amenity Lands Act (Northern Ireland) 1965	Section 16

Chapter	*Act*	*Relevant provisions*
1965 c. 13	New Towns Act (Northern Ireland) 1965	Sections 23 and 24
1965 c. 14	Consumer Protection Act (Northern Ireland) 1965	Section 6(3) and the Schedule to the Act
1965 c. 20	Factories Act (Northern Ireland) 1965	Sections 8(1), (2) and (5), 9, 10, 56(1) and 69 and, except in so far as they apply to an officer, sections 11(3) and 153(4)
1965 c. 21	Slaughter-houses Act (Northern Ireland) 1965	Sections 3 to 5 and the Schedule to the Act
1966 c. 26	Office and Shop Premises Act (Northern Ireland) 1966	Whole Act (except section 52(1) and except section 67(1) in so far as it applies to an officer)
1967 c. 28	Plant Health Act (Northern Ireland) 1967	Sections 5 and 6(3)
1969 c. 14	Motor Vehicles and Refuse (Disposal) Act (Northern Ireland) 1969	Whole Act
1970 c. 1	Harbours Act (Northern Ireland) 1970	Part II
1971 c. 5	Housing Executive Act (Northern Ireland) 1971	Section 2(8) and Schedule 2
1971 c. 19	Gas Act (Northern Ireland) 1971	Whole Act

Any transferred provision in force on 1st October 1973 which modifies any of the above-mentioned transferred provisions.

SCHEDULE 3

PART I

Transferred provision relating to functions transferred from the medical officer of health of an existing local authority to such public health inspector as may be authorised by a district council

Chapter	*Act*	*Relevant provisions*
1965 c. 20	Factories Act (Northern Ireland) 1965	Sections 8(6) and 153(2)

Any transferred provision in force on 1st October 1973 which modifies the above-mentioned transferred provision.

PART II

Transferred provisions relating to functions transferred from an officer of an existing local authority to such officer as may be authorised by a district council

Chapter	*Act*	*Relevant provisions*
41 & 42 Vict. c. 52	Public Health (Ireland) Act 1878	Sections 51 and 109
1 & 2 Geo. 5 c. 52	Rag Flock Act 1911	Section 1(5)
2 & 3 Geo. 6 c. 3	Hairdressers Act (Northern Ireland) 1939	Sections 2(3) and 4(2)
1958 c. 27	Food and Drugs Act (Northern Ireland) 1958	Sections 9(1) and (2), 11(1), 41(1), (2) and (4) and 42(1) and section 58 and the second Schedule in so far as they relate to sections 41 and 42
1965 c. 20	Factories Act (Northern Ireland) 1965	Sections 11(3) and 153(4)

Any transferred provision in force on 1st October 1973 which modifies any of the above-mentioned transferred provisions.

PART III

Transferred provisions relating to functions transferred from an officer of an existing local authority to a sampling officer appointed by a district council

Chapter	*Act*	*Relevant provisions*
1958 c. 27	Food and Drugs Act (Northern Ireland) 1958	Sections 33, 34(1), 35 and 36A(1) and (7) (except paragraph (*a*)) and section 58 and the second Schedule in so far as they relate to sections 33 and 35
1962 c. 7	Administrative and Financial Provisions Act (Northern Ireland) 1962	Section 6(2) in so far as it relates to section 36A(1) and (7) (except paragraph (*a*)) of the Food and Drugs Act (Northern Ireland) 1958

Any transferred provision in force on 1st October 1973 which modifies any of the above-mentioned transferred provisions.

PART IV

Transferred provision relating to functions transferred from an officer of an existing local authority to an inspector appointed by a district council

Chapter	*Act*	*Relevant provisions*
1966 c. 26	Office and Shop Premises Act (Northern Ireland) 1966	Sections 52(1) and 67(1)

Any transferred provision in force on 1st October 1973 which modifies the above-mentioned transferred provision.

SCHEDULE 4

PART I

Transferred provisions relating to functions transferred from Belfast Corporation or Council or an officer of the Corporation or Council to the Belfast City Council

Chapter	*Act*	*Relevant provisions*
8 & 9 Vict. c. cxlii	An Act for the Improvement of the Borough of Belfast	Sections 158 and 196 to 205
62 & 63 Vict. c. ccxlvi	Belfast Corporation Act 1899	Part VI
2 Edw. 7 c. cix	Belfast Corporation Act 1902	Part II
1 & 2 Geo. 5 c. cxc	Belfast Corporation Act 1911	Part IX
13 & 14 Geo. 5 c. iv	Belfast Corporation Act (Northern Ireland) 1923	Section 55
20 & 21 Geo. 5 c. ii	Belfast Corporation Act (Northern Ireland) 1930	Sections 43 and 70
12 & 13 Geo. 6 c. i	Belfast Corporation (General Powers) Act (Northern Ireland) 1948	Sections 17, 25, 26, 51, 52 and 62
1961 c. 13	Museum Act (Northern Ireland) 1961	Section 4(4)
1967 c. 13	Ulster Folk Museum (Amendment) Act (Northern Ireland) 1967	Section 1(4)

Any transferred provision in force on 1st October 1973 which modifies any of the above-mentioned transferred provisions.

PART II

Transferred provisions relating to functions transferred from Newry Urban District Council or an officer of the Council to the Newry and Mourne District Council

Chapter	*Act*	*Relevant provisions*
1 Edw. 7 c. xci	Newry Port and Harbour Trust Act 1901	Whole Act
20 Geo. 5 c. ii	Newry Urban District Council and Newry Port and Harbour Trust Act (Northern Ireland) 1929	Whole Act
1951 c. ii	Newry Urban District Council and Newry Port and Harbour Trust Act (Northern Ireland) 1951	Whole Act

Any transferred provision in force on 1st October 1973 which modifies any of the above-mentioned provisions.

SCHEDULE 5

Transferred provision relating to functions transferred from an existing local authority or an officer of such authority to the Northern Ireland Housing Executive

Chapter	*Act*	*Relevant provisions*
1968 c. 30	Local Government and Roads Act (Northern Ireland) 1968	Part I in so far as it relates to relevant schemes

Any transferred provision in force on 1st October 1973 which modifies the above-mentioned transferred provision.

EXPLANATORY NOTE

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

This Order provides for the transfer as from 1st October 1973 of certain functions at present exercised by existing local authorities or their officers.