
Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, Cross Heading: Miscellaneous amendments of other statutory provisions. (See end of Document for details)

STATUTORY INSTRUMENTS

1985 No. 1208

The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985

PART VII

AMENDMENT AND REPEAL OF PROVISIONS RELATING TO DISTRICT COUNCILS

Miscellaneous amendments of other statutory provisions

Article 34—Amendments

Regulations as to burial grounds of councils

35. For section 181 of the Public Health (Ireland) Act 1878 there shall be substituted the following section—

“Regulations as to burial grounds, &c.

181.—(1) The Department of the Environment may by regulations make provision with respect to the management, regulation and control of burial grounds of district councils and places of reception of bodies previous to interment and such regulations may—

- (a) impose a fine for the contravention of any such regulations; and
- (b) contain such provision amending or repealing any statutory provision (including a provision in this Part) as appears to the Department to be necessary or proper in consequence of the regulations.

(2) Regulations under subsection (1) containing any such provision as is referred to in paragraph (b) of that subsection shall be subject to affirmative resolution and regulations not containing any such provision shall be subject to negative resolution.

(3) Regulations under subsection (1) may only be made after consultation with the district councils and other bodies appearing to the Department to be concerned.”.

Minor amendments relating to burial grounds of councils

36.—(1) The following statutory provisions (which prohibit the appropriation of land within one hundred yards of a dwelling house as a burial ground without the written consent of the owner) shall cease to have effect, namely—

- (a) section 10 of the Cemeteries Clauses Act 1847 (including that section as incorporated with any other Act);
- (b) in section 174 of the Public Health (Ireland) Act 1878 the words from “but no ground” to the end.

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, Cross Heading: Miscellaneous amendments of other statutory provisions. (See end of Document for details)

(2) At the end of Part III of the Public Health (Ireland) Act 1878 there shall be inserted the following section—

“Interpretation of Part III.

199A. In this Part—

“burial ground” means any place for the interment of the dead, including any part of any such place set aside for the interment of a dead person's ashes;

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954.”.

(3) Sections 189 and 190 of the Public Health (Ireland) Act 1878 (which have been superseded by provisions of the principal Act) and section 29 of the Local Government (Ireland) Act 1898 (which is spent) are hereby repealed.

Public health inspectors to be known as environmental health officers

37. For any reference to a public health inspector in—

Para. (a) rep. by 1989 NI 6

(b) section 8(6) or 153(2) of the Factories Act (Northern Ireland) 1965;

or in any other statutory provision there shall be substituted a reference to an environmental health officer appointed by a council in the exercise of its powers under section 41 of the principal Act.

Nuisances under the Public Health (Ireland) Act 1878

38.—(1) In section 107(7) of the Public Health (Ireland) Act 1878 (nuisances for purposes of the Act include any grit, dust or effluvia which is a nuisance to, or injurious to the health of, any of the inhabitants of the neighbourhood) for the words from “a nuisance to” to “neighbourhood” there shall be substituted the words “injurious, or likely to cause injury, to the public health or a nuisance”.

(2) In Article 23(1) of the Clean Air (Northern Ireland) Order 1981 (smoke deemed to be nuisance for the purposes of section 107 of the Public Health (Ireland) Act 1878 if it is a nuisance to any of the inhabitants of the neighbourhood) for the words “a nuisance to any of the inhabitants of the neighbourhood” there shall be substituted the words “injurious, or likely to cause injury, to the public health or a nuisance”.

Extension of licensing of knackers' yards by councils

39.—(1) In section 2 of the Public Health (Ireland) Act 1878 for the definition of “knackers' yard” there shall be substituted the following definition—

““knacker's yard” means any place used for the purposes of, or in connection with,—

(a) the slaughtering of animals not slaughtered for the purpose of the flesh being used for human consumption; or

(b) the flaying, cutting up or processing of the carcasses of animals the flesh of which is not intended for human consumption;” .

(2) Section 106 of the Public Health (Ireland) Act 1878 (which requires the owner or occupier of any licensed or registered knacker's yard to affix a notice to the premises) shall cease to have effect.

Filling of casual vacancy on council by co-option or election

40.—(1) Section 11 of the Electoral Law Act (Northern Ireland) 1962 (election and term of office of members of district councils) shall have effect subject to the following provisions of this Article.

(2) In subsection (4) for the words “shall be filled in accordance with the Local Election Rules” there shall be substituted the words “shall be filled in accordance with subsection (4A)”.

(3) After subsection (4) there shall be inserted the following subsections—

“(4A) A casual vacancy to which subsection (4)(c) applies shall be filled by a person elected at an election to fill the vacancy and any other casual vacancy shall be filled—

- (a) by a person chosen by the council in accordance with subsection (4B); or
- (b) if no person is chosen as mentioned in paragraph (a), by a person elected at an election to fill the vacancy.

(4B) Where a casual vacancy in a district council falls to be filled in accordance with this subsection—

- (a) a meeting of the council to choose a person to fill the vacancy shall be held not less than 14 days nor more than 42 days after the occurrence of the vacancy;
- (b) the clerk of the council shall give every member of the council not less than 7 days written notice of the meeting which notice shall state as the first business of the meeting the choice of a person to fill the vacancy;
- (c) the council may at that meeting choose to fill the vacancy any person who is qualified to be a member of the council and is not objected to by any member of the council present at the meeting; and
- (d) any person so chosen shall be deemed for all purposes to have been duly elected a member of the council.

(4C) Where a meeting of a district council held in accordance with subsection (4B) fails to choose a person to fill a casual vacancy, the clerk of the council shall, within 7 days of the meeting, notify the Chief Electoral Officer—

- (a) that a casual vacancy has arisen in the council and that a meeting held in accordance with subsection (4B) has failed to choose a person to fill that vacancy;
- (b) of any other matter concerning the casual vacancy which has come to the knowledge of the clerk of the council.” .

Para. (4) rep. by 1992 NI 6

Art. 41 rep. by 2002 NI 3

Article 42—Amendments

Article 43—Repeals

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

There are currently no known outstanding effects for the The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, Cross Heading: Miscellaneous amendments of other statutory provisions.