
STATUTORY INSTRUMENTS

1995 No. 759 (N.I. 5)

NORTHERN IRELAND

The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995

*Made - - - - 15th March 1995
Coming into operation in accordance with Article 1(2)
and (3)*

At the Court at Buckingham Palace, the 15th day of March 1995

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 paragraph 1 of Schedule 1 to the Northern Ireland Act 1974⁽¹⁾ 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:—

Introductory

Title and commencement

1.—(1) This Order may be cited as the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995.

(2) Subject to paragraph (3), this Order shall come into operation on the expiration of 2 months from the day on which it is made.

(3) Article 5 shall come into operation on such day as the Head of the Department may by order appoint.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954⁽²⁾ shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(1) 1974 c. 28

(2) 1954 c. 33 (N.I.)

- (2) In this Order—
 “the Department” means the Department of the Environment;
 “the principal Act” means the Local Government Act (Northern Ireland) 1972(3);
- (3) Expressions used in this Order and in the principal Act have the same meaning in this Order as in that Act.

Amendments to the principal Act

Vacation of office on account of non-attendance

3. For section 9(1) and (2) of the principal Act there shall be substituted—
- “(1) Subject to subsections (2) and (3), if a councillor fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the council, he shall, unless the failure was due to some reason approved by the council before the expiry of that period, cease to be a member of the council.
- (2) Attendance—
- (a) at a meeting of—
- (i) any committee or sub-committee of the council;
- (ii) any joint committee or any of the sub-committees to which any of the functions of the council have been delegated;
- (b) as a representative of the council at a meeting of any body, attendance at a meeting of which is an approved duty for the purposes of regulations made under section 36,
- shall be deemed for the purposes of subsection (1) to be attendance at a meeting of the council.”.

Appointment and qualification of officers

4. In section 41 of the principal Act (appointment and qualification of officers)—
- (a) for subsection (3) there shall be substituted—
- “(3) A person shall not be appointed to—
- (a) the office of clerk of a council; or
- (b) such other office under a council as the Department may determine, unless he possesses such qualifications as the Department may determine.”;
- (b) in subsection (3A) for the words “may be prescribed” there shall be substituted the words “the Department may determine”;
- (c) subsection (6) shall cease to have effect.

Investment powers

5.—(1) In section 56(3) of the principal Act (investment of capital fund and renewal and repairs fund monies) for the words from “in a security” to the end there shall be substituted the words “in such manner as may be prescribed”.

(2) Any money invested in accordance with section 56(3) of the principal Act immediately before the coming into operation of this Article shall, for the period of 6 months from the coming into

operation of this Article, be deemed to have been invested in accordance with that provision as amended by this Article.

Sealing of contracts: increase in limit

6.—(1) In section 100(1) of the principal Act (sealing of contracts) for the words from “does not exceed” to “determine” there shall be substituted the words “does not exceed £30,000 in value”.

(2) After section 100(1) of that Act there shall be inserted—

“(1A) The Department may by order amend subsection (1) so as to increase the amount for the time being specified in that subsection.”.

Power to provide advice and assistance

7. After section 113 of the principal Act there shall be inserted—

“Power to provide advice and assistance.

113A.—(1) Subject to subsections (3) to (6), a council may provide advice and assistance as respects any matter in which it has skill and experience to a body engaged outside the United Kingdom in the carrying on of any of the activities of local government.

(2) In relation to any place outside the United Kingdom, activities shall be taken for the purposes of this section to be activities of local government wherever they are the equivalent of, or are comparable to, any activities which in Northern Ireland are carried on by councils.

(3) The power conferred by subsection (1) shall not be exercised except with the consent of the Department or in accordance with a general authorisation given by the Department.

(4) Before giving any general authorisation under subsection (3), the Department shall consult with such persons appearing to it to represent councils as the Department thinks appropriate.

(5) A consent or authorisation under subsection (3) may be given subject to such conditions as the Department thinks fit.

(6) Nothing in this section authorises a council to provide any financial assistance by—

- (a) making a grant or loan,
- (b) giving a guarantee or indemnity, or
- (c) investing by acquiring share or loan capital.

(7) The Department shall provide councils with such guidance about the exercise of their powers under this section as it thinks appropriate.”.

Contributions to public appeals

8. In section 115 of the principal Act (expenditure for special purposes) after subsection (1) there shall be inserted—

“(1A) Subject to subsection (2), a council may make payments to any fund which is raised in connection with a particular event directly affecting persons resident in the United Kingdom on behalf of whom a public appeal for contributions has been made—

- (a) by the chairman of a council; or
- (b) by a committee of which the chairman of a council is a member; or

- (c) by such a person or body as is referred to in section 137(3)(c) of the Local Government Act 1972⁽⁴⁾; or
- (d) by such a person or body as is referred to in section 83(3)(c) of the Local Government (Scotland) Act 1973⁽⁵⁾.”.

Entertainments licences

Refusal of entertainments licences

9. In paragraph 5 of Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985⁽⁶⁾ (applications for the grant, renewal or transfer of licences)—

- (a) in sub-paragraph (8), after head (a) there shall be inserted—
 - “(aa) have regard to any conviction of the applicant of an offence under paragraph 10 within the period of 5 years immediately preceding the date when the application was made;”;
- (b) after sub-paragraph (8) there shall be inserted—
 - “(9) Subject to paragraph 13 and without prejudice to its power to refuse an application on any other grounds, the council may refuse an application for the grant, renewal or transfer of an entertainments licence on the ground that the applicant has been convicted of an offence under paragraph 10 within the period of 5 years immediately preceding the date when the application was made.”.

Increase in penalties

10.—(1) In paragraph 10 of Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 (licensing of places of entertainment)—

- (a) in sub-paragraphs (1) and (2) the words “and liable on summary conviction to a fine not exceeding level 5 on the standard scale” shall be omitted; and
- (b) after sub-paragraph (2) there shall be inserted—
 - “(2A) Any person guilty of an offence under sub-paragraph (1) or (2) shall be liable on summary conviction—
 - (a) in the case of an offence to which sub-paragraph (2B) applies, to a fine not exceeding £20,000 or to imprisonment for a term not exceeding 6 months or to both;
 - (b) in any other case, to a fine not exceeding level 5 on the standard scale.
 - (2B) This sub-paragraph applies to—
 - (a) any offence under sub-paragraph (1) where the entertainment provided is—
 - (i) entertainment referred to in sub-paragraph (2)(b) of paragraph 1 and to which that paragraph applies; or
 - (ii) entertainment to which paragraph 2 applies; and
 - (b) any offence under sub-paragraph (2) where the entertainment for which the place is used is—
 - (i) entertainment referred to in sub-paragraph (2)(b) of paragraph 1 and to which that paragraph applies; or

(4) 1972 c. 70
 (5) 1973 c. 65
 (6) 1985 NI 15

(ii) entertainment to which paragraph 2 applies, and the terms, conditions or restrictions which are contravened or not complied with include one which imposes a limit on the number of persons who may be present at the entertainment.”.

(2) Nothing in this Article shall have effect in relation to offences committed before the coming into operation of this Article.

Street names and numbering of buildings

Powers of councils in relation to street names and numbering of buildings

11.—(1) A council may erect at or near each end, corner or entrance of any street in its district a nameplate showing the name of the street; and a nameplate erected under this paragraph—

- (a) shall express the name of the street in English; and
- (b) may express that name in any other language.

(2) A council may, immediately adjacent to a nameplate erected under paragraph (1) which expresses the name of a street in English only, erect a second nameplate expressing the name of the street in a language other than English.

(3) Neither this Article nor anything done by a council thereunder authorises or requires the use of the name of a street expressed in a language other than English as, or as part of—

- (a) the address of any person; or
- (b) the description of any land;

for the purposes of any statutory provision.

(4) In deciding whether and, if so, how to exercise its powers under paragraph (1)(b) or (2) in relation to any street, a council shall have regard to any views on the matter expressed by the occupiers of premises in that street.

(5) Any person who—

- (a) obscures, pulls down or defaces any nameplate erected under paragraph (1) or (2);
- (b) erects in any street any nameplate showing as the name of the street a name different from that in any nameplate erected in the street under paragraph (1) or (2); or
- (c) erects in any street any nameplate purporting to show the name of the street, without the authorisation of the council for the district in which the street is situated,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(6) Where a council has exercised its powers under paragraph (1) in relation to any street, the occupier of each house or other building in that street shall ensure that that house or building is at all times marked with such number as the council may approve for the purposes of this Article.

(7) Where a person fails to comply with paragraph (6) the council may serve on him a notice requiring him to comply with that paragraph within 7 days from the date of service of the notice.

(8) A person who fails to comply with a notice served on him under paragraph (7) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(9) Where a person fails to comply with a notice served on him under paragraph (7) in respect of any house or other building, the council may itself do anything which he has failed to do and may recover from that person summarily as a civil debt any expenses thereby reasonably incurred by it.

(10) In this Article—

“nameplate” includes any means of signifying a name in writing;

“street” includes any road, square, court, alley, passage or lane.

- (11) The power of a council to erect a nameplate under paragraph (1) or (2) includes power—
- (a) to erect it on any building or in such other manner as the council thinks fit; and
 - (b) to cause it to be erected by any person authorised in that behalf by the council.
- (12) The following statutory provisions shall cease to have effect, namely—
- (a) sections 64 and 65 of the Towns Improvement Clauses Act 1847⁽⁷⁾;
 - (b) in section 38 of the Towns Improvement (Ireland) Act 1854⁽⁸⁾ the words “naming the streets and numbering the houses and also so much thereof as relates to”;
 - (c) section 21 of the Public Health Acts Amendment Act 1907⁽⁹⁾;
 - (d) section 19 of the Public Health and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1949⁽¹⁰⁾; and
 - (e) so much of any local Act as relates to the naming of streets or the numbering of houses or buildings;

and any nameplate erected under any such provision shall be taken for the purposes of this Article to have been erected under paragraph (1).

Amendments and repeals

Consequential amendments and repeals

12.—(1) The statutory provisions set out in Schedule 1 shall have effect subject to the amendments specified in that Schedule.

(2) The statutory provisions specified in Schedule 2 are hereby repealed to the extent specified in the third column of that Schedule.

N. H. Nicholls
Clerk of the Privy Council

(7) 1847 c. 34
(8) 1854 c. 103
(9) 1907 c. 53
(10) 1949 c. 21 (N.I.)

SCHEDULES

SCHEDULE 1

Article 12(1).

CONSEQUENTIAL AMENDMENTS

The Local Government Act (Northern Ireland) 1972 (c. 9)

In section 40(4)(a) for “prescribed” substitute “determined”.

In section 41(4) for “prescribed” substitute “determined”.

In section 115(1) for “the provisions of this section” substitute “subsections (2) to (5)”.

In section 115(3) for “this section” substitute “subsection (1)”.

SCHEDULE 2

Article 12(2).

REPEALS

Chapter or Number	Title	Extent of Repeal
1847 c. 34.	The Towns Improvement Clauses Act 1847.	Sections 64 and 65.
1854 c. 103.	The Towns Improvement (Ireland) Act 1854.	In section 38 the words “naming the streets and numbering the houses and also so much thereof as relates to”.
1907 c. 53.	The Public Health Acts Amendment Act 1907.	Section 21.
1949 c. 21 (N.I.).	The Public Health and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1949.	Section 19.
1972 c. 9 (N.I.).	The Local Government Act (Northern Ireland) 1972.	Section 41(6). In section 41(7) the words from “notwithstanding” to the end.
1976 NI 21.	The Financial Provisions (Northern Ireland) Order 1976.	Article 8(1).
1985 NI 15.	The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985.	Article 23. In Schedule 1, in paragraph 10(1) and (2) the words “and liable on summary conviction to a fine not exceeding level 5 on the standard scale”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes miscellaneous amendments to the law relating to district councils.

The Order confers new powers on district councils in relation to the provision of advice and assistance to bodies abroad, contributions to public appeals and the naming of streets. It amends the law in relation to the vacation of the office of councillor on account of non-attendance, the appointment and qualification of council officers, the investment of certain council funds and the sealing of contracts by councils. The Order also amends the law relating to entertainments licences to strengthen a council's powers to refuse licence applications and to increase fines for certain offences.