

1969. No. 62

[C]

NEW TOWNS AND TOWN DEVELOPMENT

Municipal Functions Order

Londonderry Rural District

ORDER*, DATED 27TH MARCH 1969, MADE BY THE MINISTRY OF DEVELOPMENT UNDER SECTIONS 28, 29, 30 AND 34(2) OF THE NEW TOWNS ACT (NORTHERN IRELAND) 1965 AND SECTION 1 OF THE NEW TOWNS (AMENDMENT) ACT (NORTHERN IRELAND) 1968.

Whereas by the Londonderry Area Designation Order (Northern Ireland) 1969(a), dated 5th February 1969, made under sections 1 and 47 of the New Towns Act (Northern Ireland) 1965(b) (in this Order referred to as "the Act"), the Minister of Development designated the area of land comprising the County Borough of Londonderry and the Rural District of Londonderry as an area to be developed in accordance with the Act:

And whereas by the Londonderry Development Commission Order (Northern Ireland) 1969(c), dated 5th February 1969, made under section 7 of the Act, the Minister of Development established a development commission to be known as the Londonderry Development Commission (in this Order referred to as "the Commission"):

And whereas under section 28 of the Act the Ministry of Development (in this Order referred to as "the Ministry"), after consultation with all local authorities appearing to it to be concerned, is satisfied that it is expedient that a municipal functions order should be made in relation to that part of the area designated by the said Order dated 5th February 1969 comprised in the Rural District of Londonderry:

Now therefore the Ministry, in exercise of the powers conferred upon it by sections 28, 29, 30 and 34(2) of the Act and section 1 of the New Towns (Amendment) Act (Northern Ireland) 1968, and of all other powers enabling it in that behalf hereby orders and directs as follows:—

Citation

1. This Order may be cited as the Londonderry Area (Municipal Functions—Londonderry Rural District) Order (Northern Ireland) 1969.

Interpretation

2. In this Order—

"the appointed day" means 2nd April 1969;

"the county council" means the council of the administrative County of Londonderry; and

"the rural district council" means the council of the rural district of Londonderry and "the rural district" means the rural district of Londonderry.

(a) S.R. & O. (N.I.) 1969, No. 23.

(c) S.R. & O. (N.I.) 1969, No. 24.

(b) 1965. c. 13 (N.I.).

*A draft of this Order was approved by Resolution of the House of Commons on the 25th March 1969, and of the Senate on the 27th March 1969.

Commencement

3. This Order shall come into operation on the appointed day.

Londonderry Urban District

4.—(1) As from the appointed day the Commission, subject to articles 7 and 8, shall exercise the functions of an urban district council in relation to the area of the rural district and the said area shall be called the Urban District of Londonderry.

(2) For the purposes of the Public Health Acts (Northern Ireland) 1878 to 1967 the Commission in their capacity as council of the Urban District of Londonderry shall be known as the Londonderry No. 2 urban sanitary authority.

Adoptive Acts

5. The provisions of the adoptive Acts specified in the Schedule shall as from the dates specified therein be in force within and apply to the Urban District of Londonderry as if they had been adopted for the said district.

Adjustment of Property and Liabilities

6.—(1) For the purposes of any adjustments which may be required in consequence of this Order Article 30 of the Schedule to the Local Government (Application of Enactments) Order 1898(d) shall apply with the modification that where and so far as an adjustment is not or cannot be made under that article by agreement between the authorities interested, the Ministry may on the application of any such authority make such adjustment as shall appear to the Ministry to be requisite and proper, and such adjustment made by the Ministry shall have full force and effect notwithstanding any provisions to the contrary contained in section 71 of the Local Government (Ireland) Act 1898(e) or in any previous adjustment order.

(2) For the purposes of this article the expressions "authority" and "authorities" in article 30 of the Schedule to the Local Government (Application of Enactments) Order 1898 shall be deemed to include the Commission in so far as they are empowered by the Act and this Order to exercise municipal functions.

(3) Any balance standing on the 1st day of April 1970 in the books of the county council or on the appointed day in the books of the rural council in respect of the poor rate or any special rate of the rural district shall be a matter for adjustment.

(4) Liabilities in respect of the financial year commencing 1st April 1969 in relation to functions carried out in pursuance of paragraph (2) or (3) of article 7 shall be a matter for adjustment.

Transitional provisions

7.—(1) Section 31(3), (4) and (5) of the Act (which relate to General Exchequer Contribution and rates) shall not apply to the General Exchequer Contribution payable and rates leviable in respect of the financial year ending on 31st March 1970 and the Local Government (Finance) (No. 2) Act (Northern Ireland) 1958(f) shall have effect for the financial year as if this Order had not been made.

(2) For the financial year ending 31st March 1970 the county council shall exercise in relation to the Urban District of Londonderry such functions in

(d) S.R. & O. 1898, No. 1120.

(f) 1958, c. 25.

(e) 61 & 62 Vict. c. 37.

relation to roads in that district and such functions under the Public Libraries Acts (Northern Ireland) 1885 to 1924 in relation to that district as they would have exercised if this Order had not been made.

(3) The county council shall be the rating authority for the financial year ending 31st March 1970 and shall pay to the Commission the amount of the demand made by the rural district council on the county council in respect of that financial year.

(4) Any payment by the county council under paragraph (3) shall be made in the manner in which, the time at which and subject to the like terms and conditions as it would have been made to the rural district council if this Order had not been made.

(5) Rates due in respect of the financial year ending 31st March 1970 and all arrears of rates due in respect of previous years payable in respect of property in the Urban District of Londonderry shall be levied, collected and recovered by or on behalf of the county council in the like manner, to the like extent and with the like consequences as they could have been levied, collected and recovered by or on behalf of the County Council if this Order had not been made.

8. Schedule 6 to the Act shall have effect as if paragraph 9 thereof were deleted.

Sealed with the Official Seal of the Ministry of Development for Northern Ireland this 27th day of March 1969.

(L.S.)

W. F. Stout,
Secretary.

SCHEDULE

Acts adopted for the purposes of Londonderry Urban District

I. With effect from the appointed day

9 & 10 Vict. c. 87 . . .	Bath and Washhouses (Ireland) Act 1846.
17 & 18 Vict. c. 103 . . .	Towns Improvement (Ireland) Act 1854.
53 & 54 Vict. c. 59 . . .	Public Health Acts Amendment Act 1890, Part III.
54 & 55 Vict. c. 22 . . .	Museums and Gymnasiums Act 1891.
7 Edw. 7. c. 53 . . .	Public Health Acts Amendment Act 1907, Parts II, III, VI, VII, and X.
24 & 25 Geo. 5. c. 22 . . .	Local Government Act (Northern Ireland) 1934, section 17(3).

II. With effect from 1st April 1970

Public Libraries Acts (Northern Ireland) 1855 to 1924.

EXPLANATORY NOTE

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

This Order confers on the Londonderry Development Commission municipal functions in respect of the Londonderry Rural District. It brings into operation with effect from 2nd April 1969 provisions of section 28 of the New Towns Act (Northern Ireland) 1965 which have the effect of dissolving the Londonderry Rural District Council and abolishing the Londonderry Rural District. It also brings into operation from the same date provisions of section 30 of the Act enabling the Londonderry Development Commission to exercise the functions of an urban district council in relation to the new Londonderry Urban District.