



# New Towns Act (Northern Ireland) 1965

## 1965 CHAPTER 13

### MUNICIPAL FUNCTIONS OF NEW TOWN COMMISSIONS

#### **28 Power of Ministry to confer municipal functions on new town commissions.**

(1) If—

- (a) upon receiving a request from any one or more than one [<sup>F1</sup> district council] who appear to the Ministry to be concerned and after consultation with other such [<sup>F1</sup> councils], or
- (b) after consultation with all such [<sup>F1</sup> councils],

the Ministry is satisfied that by reason of—

- (i) the lack of resources of such [<sup>F1</sup> a council] or their inability on other grounds or unwillingness to provide the services necessary for the proper development of a new town; or
- (ii) the likelihood of there being any unreasonable delay on the part of such [<sup>F1</sup> a council] in providing services such as are described in paragraph (i); or
- (iii) the desirability, having regard to the extent to which the construction of a new town has advanced, of amalgamating all or any part of a ...<sup>F2</sup> district contained in whole or in part in the area designated by an order made under section 1 as the site of the new town with, or with any part of, any other such ...<sup>F2</sup> district, or with any area in relation to which a new town commission are authorised to exercise municipal functions by virtue of a previous order made under this section,

it is expedient that an order (in this Act referred to as a “municipal functions order”) should be made directing that a new town commission shall, in relation to the area designated under section 1 as the site of the new town, or any part of that area specified in the order, exercise the functions [<sup>F1</sup> of a district council], the Ministry may make such an order.

*Subs. (1A) rep. by SRO (NI) 1973/285*

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the New Towns Act (Northern Ireland) 1965. (See end of Document for details)*

- (2) A municipal functions order shall not be made until a draft thereof has been approved by resolution of each House of Parliament.
- (3) The provisions of Part II of Schedule 1 shall have effect with respect to matters preliminary to and consequent upon the making of a municipal functions order.
- (4) Where ...<sup>F2</sup> the whole or part of a ...<sup>F2</sup> district is included in the area specified in a municipal functions order, the council of that ...<sup>F2</sup> district shall on the commencement of the order cease to exercise [<sup>F1</sup> its] functions in relation to ...<sup>F2</sup> so much of the district as is so included.

*Subs. (5) rep. by SRO (NI) 1973/285*

- (6) A municipal functions order may make—
- (a) such provision for the incorporation in any ...<sup>F2</sup> district ...<sup>F2</sup> contiguous to a district to which subsection (4) applies of the whole or any part of so much as remains of the last-mentioned district after the exclusion of any part thereof to which subsection (4) applies; and
  - (b) such provision in relation to any of the matters which may be dealt with in an order [<sup>F1</sup> under section 52 of the Local Government Act (Northern Ireland) 1972 ],
- as the Ministry thinks expedient.

*Subs. (6A) rep. by SRO (NI) 1973/285*

- (7) Where—
- (a) the whole of a ...<sup>F2</sup> district is included in the area specified in a municipal functions order; or
  - (b) part of that district is so included and the whole of the remainder of the district is incorporated in any one or more than one contiguous ...<sup>F2</sup> district,
- the council of that first-mentioned ...<sup>F2</sup> district shall, on the commencement of the order, be dissolved.
- (8) Upon the dissolution of the council of a ...<sup>F2</sup> district under subsection (7), the ...<sup>F2</sup> district ...<sup>F2</sup> shall be abolished.
- (9) The functions which were exercisable by the council of a ...<sup>F2</sup> district before the commencement of a municipal functions order in relation to the area specified in the order and which cease to be exercised by the council under subsection (4) or (5) shall on the commencement of the order become and be exercisable by the new town commission, [<sup>F3</sup> subject to any exceptions for which provision is made by the order].
- (10) Any reference in this Act to the area in relation to which a new town commission are authorised to exercise their municipal functions shall be construed as a reference to the area or the aggregate of the areas specified in any one or more than one municipal functions order made with respect to that new town commission, but without prejudice to the application to the new town commission, by virtue of section 30, of any transferred provision authorising ...<sup>F2</sup> [<sup>F1</sup> a district council] to exercise any of their functions outside their district.

*Subs. (11) rep. by SRO (NI) 1973/285*

<b>F1</b>	SRO (NI) 1973/285
<b>F2</b>	SRO (NI) 1973/285

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

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**F3** 1968 c. 33 (NI)

## **29 Provisions supplemental to section 28.**

- (1) A municipal functions order may make—
- (a) such provision with respect to any function which, by virtue of the order, ceases to be exercisable by the council of a ...<sup>F4</sup> district and becomes exercisable by the new town commission or by the council of any other ...<sup>F4</sup> district; and
  - (b) such incidental, consequential, transitional or supplementary provisions, as appear to the Ministry necessary or expedient for the purpose of giving full effect to the order, including provisions—
    - (i) for the modification and adaptation of transferred provisions in pursuance of section 30;
    - (ii) for the transfer to the new town commission or to the council of any such other ...<sup>F4</sup> district of any property or rights enjoyed or liabilities already incurred by the first-mentioned council in connection with any such function;
    - (iii) where expedient for the purpose of any transfer such as is mentioned in paragraph (ii), for the severance of any such property, rights or liabilities and the apportionment thereof between the new town commission, the first-mentioned council and the council of any such other ...<sup>F4</sup> district or any of them, in such manner and in such proportions as the Ministry considers just;
    - (iv) for enabling any financial adjustment to be made in consequence of any distribution of functions by virtue of the order or in consequence of any alteration in the boundary of a ...<sup>F4</sup> district to which the order applies;
    - (v) with respect to the constitution or functions or the property, rights or liabilities ...<sup>F4</sup> of any joint committee any member of which was appointed by the council of the ...<sup>F4</sup> district or other district, or of any committee or sub-committee of any such ...<sup>F4</sup> joint committee; and
    - (vi) for the transfer to the service of the new town commission or of the council of any such other ...<sup>F4</sup> district (as the case may require) of any person employed by the first-mentioned council for the purposes of any such function.
- (2) A municipal functions order may deal with any matters that, for the purposes of section 277 of the Public Health (Ireland) Act 1878 (settlement of differences arising out of transfer of functions, etc.), may be dealt with by an order or a provisional order made under that section.
- (3) A municipal functions order may provide that any adoptive Act shall be in force in the area in relation to which the new town commission are authorised to exercise their municipal functions, and, upon the commencement of the order, that Act shall be so in force as if it had been adopted for that area.
- (4) In this section—
- “adoptive Act” means the Towns Improvement (Ireland) Act 1854 and any transferred provision that is capable of being adopted for [<sup>F5</sup> a] district;  
*Definition rep. by SRO (NI) 1973/285; 1973 NI 2*
- “joint committee” means a body, ...<sup>F4</sup> constituted under any transferred provision for the purpose of a combination of [<sup>F5</sup> district councils] and consisting exclusively of persons appointed by those [<sup>F5</sup> councils].

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**F4** SRO (NI) 1973/285

**F5** SRO (NI) 1973/285

### **30 General provisions with respect to municipal functions of new town commissions.**

- (1) Where a municipal functions order is made [<sup>F6</sup> with respect to a new town commission], then, subject to any provision of the order, for the purposes of any transferred provision (including any transferred provision coming into force after the commencement of this Act) relating generally to ...<sup>F7</sup> districts or their councils or the officers of such councils ...<sup>F7</sup> (excluding any such provision relating to the constitution of [<sup>F6</sup> a district council], or its meetings or procedure, or the election or tenure of office of its members, but including, without prejudice to the generality of the foregoing provisions of this subsection, any such provision relating to the register of electors ...<sup>F7</sup>), and for the purposes of any local Act or order in force in the area to which the municipal functions order applies—
- (a) the area in relation to which the new town commission are authorised to exercise their municipal functions shall be deemed to be [<sup>F6</sup> a] district;
  - (b) the new town commission shall for the purposes of their municipal functions be deemed to be [<sup>F6</sup> a district council] acting for that district;
  - (c) the chairman, any vice-chairman, and the members of the new town commission shall for the purposes of the said functions be deemed to be respectively the chairman, vice-chairman and members of such a council; and
  - (d) the general manager, his deputy, if any, and any other officers appointed by the new town commission and acting on behalf of the new town commission for the purposes of any municipal function of the new town commission shall be deemed to be respectively the clerk, [<sup>F6</sup> deputy clerk] and, subject as the new town commission may direct, other officers of [<sup>F6</sup> a district council].

*Subs. (1A) rep. by SRO (NI) 1973/285*

- (2) The Ministry may, by either a municipal functions order or an order made under this section, make such adaptations of or modifications in any transferred provision (including any local Act or order) as appear to be necessary or desirable to meet the circumstances of a new town commission or for the full and effectual discharge of the statutory functions of a new town commission or otherwise for the purpose of giving full effect to this Act, and upon such an order being made the provision to which it relates shall, in relation to the new town commission and any area in relation to which the new town commission are authorised to exercise their municipal functions, have effect subject to the adaptations thereof and the modifications therein made by the order.
- (3) Where any local Act or order in force at the commencement of this Act contains provisions that appear to be similar to or inconsistent with any provision made by or under this Act, the Ministry may by either a municipal functions order or an order made under this section (in this subsection referred to as “the order” ) declare that the provisions of the local Act or order specified in the order shall not apply in or in relation to a specified area, and upon the order being made the provisions so specified shall not apply in or in relation to that area.
- (4) Where a municipal functions order or an order made under this section makes any provision such as is described in subsection (2) or (3) with respect to a local Act or a

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local order that, in either case, confers powers or privileges on any person for his own pecuniary benefit, and where, by reason of the provisions of the municipal functions order, any such benefit is diminished, the Ministry shall pay compensation to that person, and any question of disputed compensation shall be referred to and determined by the Lands Tribunal for Northern Ireland.

- (5) An order made under this section shall be subject to affirmative resolution.

**F6** SRO (NI) 1973/285

**F7** SRO (NI) 1973/285

### **31 Financial provisions with respect to municipal functions of new town commissions.**

- (1) Subject to subsection (3), any person enabled in that behalf under any transferred provision other than this Act may pay to a new town commission with respect to which a municipal functions order ...<sup>F8</sup> has been made, and such a commission may receive, any contribution, grant, subsidy or payment that may be paid to or received by ...<sup>F8</sup> [<sup>F9</sup> a district council] under such a provision.
- (2) Any person enabled in that behalf under any transferred provision other than this Act may require a new town commission with respect to which a municipal functions order ...<sup>F8</sup> has been made to make, and the new town commission shall make, any payment that ...<sup>F8</sup> [<sup>F9</sup> a district council] may be required to make.

*Subs. (3) spent*

- (4) The [<sup>F9</sup> district rate made] by a new town commission, in the exercise of their municipal functions, in any financial year shall ...<sup>F8</sup> be of such amount as the Ministry may determine with the approval of the Ministry of Finance.

*Subs. (5) rep. by SRO (NI) 1973/285*

- (6) [<sup>F9</sup> If in respect of any financial year the aggregate of the sum paid to a new town commission by the Ministry of Finance as representing the product of the district rate made by the commission for that year] and the other receipts relating to their municipal functions is not sufficient to meet the outgoings of the new town commission in relation to those functions, the Ministry may make good the amount of the deficit.
- (7) Where expenditure which the Ministry considers to be of a capital nature is incurred by a new town commission in the exercise of their municipal functions, that expenditure shall be met by borrowing unless the Ministry otherwise directs.

**F8** SRO (NI) 1973/285

**F9** SRO (NI) 1973/285

### **32 Committees.**

- (1) Where a municipal functions order is made with respect to a new town commission the Minister may establish a committee (in this section referred to as “the committee”) for the purpose of assisting the new town commission, in accordance with the provisions of this section, in the discharge of the municipal functions of the new town commission.

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- (2) The committee shall consist of—
- (a) such members of the new town commission as the Minister may appoint;
- Para. (b) rep. by SRO (NI) 1973/285*
- (c) one member of the council of each ...<sup>F10</sup> district which, immediately before the commencement of the municipal functions order, was included, whether in whole or in part, in the said area ...<sup>F10</sup>, appointed by the council (and, where such a council is dissolved by virtue of the municipal functions order, for the purposes of this section the dissolution shall be deemed not to take effect until after an appointment has been made in pursuance of this paragraph).
- (3) A member of the committee shall hold office for such period as the Minister or, where he is appointed by a [<sup>F11</sup> district council], that [<sup>F11</sup> council] may determine (unless in the meantime he dies or resigns his office as member), and on such terms as may be so determined.
- (4) Where a person was appointed as a member of the committee by a council of a ...<sup>F10</sup> county district which is dissolved under this Act, that person shall not, by reason only of such dissolution, cease to be a member of the committee; ...<sup>F10</sup>.
- (5) The committee shall, as from such date as the Ministry or, as the case may be, the new town commission, may direct exercise—
- (a) such of the municipal functions of the new town commission as the Ministry may by notice in writing appoint; and
  - (b) such further municipal functions of the new town commission as the new town commission may, with the approval of the Ministry, delegate to them,
- but not so as to authorise them to acquire land, to engage or dismiss any officer or servant or to enter into any contract.
- (6) Save as the municipal functions order may direct, a decision of the committee shall not have effect until confirmed by the new town commission.
- (7) Subject to any direction in writing given to them by the Ministry or by the new town commission with the approval of the Ministry, the committee may regulate their own procedure and fix a quorum for their proceedings.
- (8) The validity of the proceedings of the committee shall not be affected by any vacancy among their members or by any defect in the appointment of any of their members.
- <sup>F12</sup>(9) The sections of the Local Government Act (Northern Ireland) 1972 mentioned in subsection (4) of section 7 shall apply to the committee and the members of the committee as (by that subsection) they apply to the new town commission and the members of the new town commission.]
- (10) The new town commission shall pay to the members of the committee such reasonable allowances in respect of expenses properly incurred in the performance of their duties as may be determined by the Ministry with the approval of the Ministry of Finance.

**F10** SRO (NI) 1973/285

**F11** SRO (NI) 1973/285

**F12** 1972 c. 9 (NI)

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**[<sup>F13</sup>32A Exercise of municipal functions through the agency of other bodies.**

- (1) A new town commission upon whom municipal functions have been conferred may, with the consent of the Ministry, make arrangements with any local or public body for the exercise of any such functions of the new town commission, or any class of such functions, by that body on behalf of the new town commission.
- (2) A body with whom a new town commission propose to make arrangements under subsection (1) shall have power to enter into those arrangements and carry them into effect if, apart from the provisions of this subsection, they would not have power to do so.]

**F13** 1968 c. 33 (NI)

**Status:**

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**Changes to legislation:**

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