



# 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*

- (2) A municipal functions order shall not be made until a draft thereof has been approved by resolution of each House of Parliament.

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*Changes to legislation:* There are currently no known outstanding effects for the New Towns Act (Northern Ireland) 1965, Section 28. (See end of Document for details)

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- (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
<b>F3</b>	1968 c. 33 (NI)

**Changes to legislation:**

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