



# Local Government Act (Northern Ireland) 1972

## 1972 CHAPTER 9

### PART IX

#### ABOLITION OF EXISTING LOCAL AUTHORITIES AND TRANSITIONAL PROVISIONS

#### **131 Abolition of existing local government areas and dissolution of existing local authorities, with certain exceptions.**

- (1) On [<sup>F1</sup> 1st October 1973]—
- (a) every county and every county borough shall cease to be an administrative area for local government purposes;
  - (b) every borough (other than a county borough), every urban district and every rural district shall be abolished;
  - (c) every united district within the meaning of section 12 of the Public Health (Ireland) Act 1878 or section 7 of the Water Supplies and Sewerage Act (Northern Ireland) 1945 shall be abolished.
- (2) Without prejudice to any provision of an order made under section 134(2)( *h*), on [<sup>F1</sup> 1st October 1973]—
- (a) the council of every county, county or other borough, urban district and rural district;
  - (b) the corporation of every borough other than a county borough or a borough to whose corporation section 132(3)( *b*) applies;
  - (c) the joint board constituted for every united district such as is mentioned in subsection (1)( *c*); and
  - (d) the Belfast City and District Water Commissioners;
- shall be dissolved.
- (3) A new town commission established under the New Towns Acts (Northern Ireland) 1965 to 1968 shall—

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- (a) if immediately before [<sup>F1</sup> 1st October 1973] the commission were exercising municipal functions, cease to exercise those functions on that day;
- (b) cease to exercise development functions, and be dissolved, on such day or days as the Ministry may by order appoint;

and paragraph ( a), and any order under paragraph ( b), shall have effect notwithstanding section 33 of the New Towns Act (Northern Ireland) 1965 or any other provision of the said Acts of 1965 to 1968.

- (4) Any council, corporation or joint board to which subsection (2) applies, the corporation of any county borough or of any borough to whose corporation section 132(3)( b) applies, the Belfast City and District Water Commissioners, and any new town commission, is in this Part referred to as an “existing local authority” ; and in this Part “municipal functions” and “development functions” in relation to a new town commission have the same meanings as in section 7 of the New Towns Act (Northern Ireland) 1965.

<b>F1</b> <a href="#">1972 NI 21</a>
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## 132    Charters

- (1) On [<sup>F2</sup> 1st October 1973] the charter of the corporation of every borough other than a county borough or a borough to whose corporation subsection (3)( b) applies shall be annulled.
- (2) The council for a district which includes the whole or the major part of a borough other than a county borough may, before [<sup>F2</sup> 1st October 1973], resolve that the charter of the corporation of the borough shall have effect in relation to the district; and, if the borough bears a name other than the name of the district, the resolution shall provide for the name of the corporation of the borough to be changed to correspond to the name of the district.
- (3) On and after [<sup>F2</sup> 1st October 1973] the charter of—
- (a) the corporation of each county borough; and
  - (b) the corporation of a borough with respect to whose charter a resolution has been passed under subsection (2);
- shall have effect in relation to the district which includes the whole or the major part of the borough as existing immediately before that date, but subject to any order made under section 134(2)( c).
- (4) Where a charter to which subsection (3) applies has effect subject to any adaptations or modifications by virtue of section 30(1A) of the New Towns Act (Northern Ireland) 1965, it shall, on [<sup>F2</sup> 1st October 1973], cease to be subject thereto.
- (5) The corporation established or regulated by a charter to which subsection (3) applies shall continue to bear the name it bore immediately before [<sup>F2</sup> 1st October 1973] or, where a resolution passed under this section provides for a change of its name, shall on and after that date bear the name specified in the resolution, and shall continue to have perpetual succession, and shall act by the council of the district mentioned in that subsection.
- (6) The chairman of the council mentioned in subsection (5), and the councillors of that council who are designated as aldermen in accordance with the charter, shall be

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respectively the mayor (or, as the case may be, the lord mayor) and the aldermen of the borough to which the charter relates.

- (7) Without prejudice to any provision of the charter for the conferment of the freedom of the borough, the local electors of a district in relation to which a charter to which subsection (3) applies has effect shall, for the purposes of the charter, be the burgesses (or, as the case may be, the citizens) of the borough.
- (8) When a council passes a resolution under subsection (2) it shall forthwith publish notice of the resolution in the Belfast Gazette.

**F2** 1972 NI 21

### 133 Transfer of functions.

- (1) The Ministry may by order make provision for the transfer from existing local authorities or their officers, on such day or days as are specified in the order, of any functions of those authorities or officers for the transfer of which provision is not made by any other statutory provision (except subsection (2)) to such other authority, being a government department, council or public body, or to such officer of any such other authority, as is specified in the order.
- (2) For the purpose of providing for the exercise on and after [<sup>F3</sup> 1st October 1973] by councils of functions exercisable immediately before that date by urban district councils, where provision for the transfer of those functions is not made by any statutory provision other than this subsection any reference in a transferred provision contained in—
- (a) a public general Act passed before [<sup>F3</sup> 1st October 1973], or
  - (b) an instrument made before [<sup>F3</sup> 1st October 1973], not being an instrument in the nature of a local enactment,
- to an urban district (whether as such or as a county district or a sanitary district) or to the council of such a district, or any reference which is to be construed as such a reference, shall, except where it is a reference to a specified urban district or urban district council or is to be construed as such, be construed as including a reference to a district or its council, as the case may be.

**F3** 1972 NI 21

### 134 Supplementary and transitional provisions.

- (1) The Ministry concerned may at any time, whether before or after [<sup>F4</sup> 1st October 1973], by order make such incidental, consequential, transitional or supplemental provision as appears to it to be necessary or expedient for the general or any particular purposes of this Act or of any other transferred provision passed in the same Session as this Act or in any subsequent Session (but before [<sup>F4</sup> 1st October 1973]) [<sup>F5</sup> or made by Order in Council under the Northern Ireland (Temporary Provisions) Act 1972 before that date] or in consequence of any of the provisions thereof or for giving full effect thereto, and nothing in any other provision of this Act or any other such transferred provision shall be construed as prejudicing the generality of this subsection.
- (2) Any such order may in particular include provision—

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- (a) with respect to the transfer and management or custody of property (whether real or personal) and the transfer of other assets and of liabilities;
  - (b) for temporary modifications of this Act or for modifying or repealing any transferred provision passed or made before [<sup>F4</sup> 1st October 1973] (not including such a provision contained in this Act, but including such a provision contained in or made under a local or personal Act or an Act confirming a provisional order);
  - (c) for modifying a charter which continues to have effect by virtue of section 132(3) (including the making of provision for the designation of aldermen, who shall number not more than one-quarter of the whole number of the councillors, and the conferment of the freedom of the borough);
  - (d) with respect to the membership of any body so far as that membership consists of or includes persons elected by, or appointed by or on the nomination of,—
    - (i) any existing local authority;
    - (ii) any two or more bodies who include such an authority;
    - (iii) any association which is wholly or partly representative of such authorities;
  - (e) for anything done before the appointed day by any existing local authority in the exercise of functions which on that day become exercisable by any other authority to be deemed as from that day to have been duly done by that other authority, and for any instrument or document made before that day, if or so far as it was made in the exercise of those functions, to continue in force on and after that day until varied or revoked in the exercise of those functions by that other authority;
  - (f) for the carrying on and completion by or on behalf of one authority of any thing (including any legal or parliamentary proceeding) commenced by or on behalf of any other authority;
  - (g) for construing, so far as may be necessary for the purposes of or in consequence of the order, references in any transferred provision or in any judgment, decree, order or warrant of any court, or in any award, deed, contract, record or other document to any authority as references to any other authority;
  - (h) for the application, defrayal, apportionment or adjustment of assets, liabilities, income or costs, for the inclusion or exclusion for purposes of such application, defrayal, apportionment or adjustment of any item which the Ministry concerned may think proper to include or exclude, and for the continuance of, or of functions of, any existing local authority, and the continuance in office of any member or officer of an existing local authority, as if the authority had not been dissolved, for purposes of such application, defrayal, apportionment or adjustment or for purposes of the making up and audit of accounts and any proceedings in connection therewith or consequent thereupon;
  - (i) for the determination of questions arising under the order.
- (3) Stamp duty shall not be chargeable on this Act or on an order made under this section or on any instrument executed for the purposes of giving effect to such an order.
- (4) Any asset of an existing local authority (except an asset of a new town commission held for purposes of development functions) which is not transferred to some other authority on or before [<sup>F4</sup> 1st October 1973] by virtue of an order under this section or of any other transferred provision shall, by virtue of this subsection, vest in the

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Ministry of Finance on that date, and any liability in respect of that asset which is not so transferred on or before that date shall be transferred to that Ministry on that date and shall be enforceable against that Ministry.

- (5) A certificate issued by the Ministry concerned that any asset or liability has, by virtue of an order under, or any provision of, this section, been transferred to or vested in an authority specified in the certificate shall be accepted as evidence of that fact, and, upon lodgement of such a certificate relating to land, the certificate shall be registered in the Registry of Deeds or, in the case of registered land, the title to which the certificate relates shall be registered in the Land Registry.
- (6) An order under this section which includes provision for modifying or repealing a transferred provision (except an order making only temporary modifications of this Act or an order modifying or repealing only a provision contained in or made under a local or personal Act or an Act confirming a provisional order) shall be subject to affirmative resolution.

**F4** [1972 NI 21](#)

**F5** [1972 NI 22](#)

### 135 Transfer of officers

- (1) An order under section 134 may make provision for the transfer of any person who is, on such date before [<sup>F6</sup> 1st October 1973] as may be specified in relation to him in the order, the holder of any place, situation or employment and who is affected by any provision of, or of any instrument made under, this Part or any other transferred provision such as is mentioned in subsection (1) of that section, and shall contain provisions for the protection of the interests of every person with respect to whose transfer such a provision is made.
- (2) In the case of any person who immediately before [<sup>F6</sup> 1st October 1973] is in the employment of one or more than one existing local authority and for whose transfer no provision is made by any other statutory provision, an order under section 134 shall make such provision as is necessary to ensure that, to the extent (if any) to which, by reason only of the provisions of this Part, or any such other transferred provision as aforesaid, that person, apart from the order, would cease on [<sup>F6</sup> 1st October 1973] to be employed by one or more than one such authority, that person is transferred on [<sup>F6</sup> 1st October 1973] to the employment of such other authority or authorities as are specified in or determined under the order.
- (3) The provision required to be made under subsection (1) or (2) shall include such provision with respect to any person who is transferred under this Part as to secure that—
  - (a) so long as he continues in the employment of the other authority or authorities by virtue of the transfer and until he is served with a statement in writing of his new terms and conditions of employment, he enjoys terms and conditions of employment (including conditions as to superannuation benefits) not less favourable than those he enjoyed immediately before 17th November 1971; and
  - (b) the said new terms and conditions are such that—
    - (i) so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before the date of the transfer, the scale of his remuneration; and

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- (ii) the other terms and conditions of his employment;  
 are taken as a whole not less favourable than those he enjoyed immediately before 17th November 1971.
- (4) Where, in relation to a person to whom subsection (1) or (2) applies, the terms and conditions of his employment (including conditions as to superannuation benefits) were, before 17th November 1971 but not earlier than 1st October 1971, varied in any respect and the Ministry concerned considers that, in all the circumstances, the variation was not justified, that Ministry may direct that the variation shall be wholly or partially omitted from the terms and conditions on which he becomes employed by the other authority or authorities; and subsection (3) shall have effect in relation to him as if so much of the variation as is specified in the direction had not been included in the terms and conditions of his employment immediately before 17th November 1971.
- (5) Where, in relation to a person to whom subsection (1) or (2) applies, the terms and conditions of his employment (including conditions as to superannuation benefits) are on or after 17th November 1971 varied in any respect, the Ministry concerned may direct that the variation shall be wholly or partially included among the terms and conditions on which he becomes employed by the other authority or authorities; and subsection (3) shall have effect in relation to him as if so much of the variation as is specified in the direction had been included in the terms and conditions of his employment immediately before 17th November 1971.

*Subs.(6) rep. by 1996 NI 16*

- (7) Where a person enters the employment of an existing local authority on or after 17th November 1971 but before [<sup>F6</sup> 1st October 1973], subsections (3) and (5) shall have effect as if for any reference to terms and conditions of employment enjoyed immediately before 17th November 1971 there were substituted a reference to terms and conditions of employment enjoyed immediately after entering that employment.
- (8) In subsections (3) and (5) “terms and conditions of employment” includes any restriction under a statutory provision on the termination of the employment of any person.
- (9) The foregoing provisions of this section shall have effect with respect to a person who is employed by a new town commission for the purpose of development functions as if for any reference in those provisions to [<sup>F6</sup> 1st October 1973] there were substituted a reference to the day on which the new town commission are, by virtue of an order under section 131(3)( b), to be dissolved.

*Subs.(10) rep. by 1973 NI 10*

- (11) For the purposes of this section, where a variation which is made in terms and conditions of employment on one date is expressed to take effect from another date, the terms and conditions shall be treated as varied on the first-mentioned date.

F6 1972 NI 21
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### **136 Superannuation officers.**

- (1) An order under section 134 may make provision with respect to the superannuation rights of any person who has been or is an officer of an existing local authority, or of any class of such persons, and may provide that the appropriate superannuation fund

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or scheme in relation to that officer or class shall be such fund or scheme as may be specified in or determined under the order; and the order may make such incidental, consequential, transitional or supplementary provision (including provision for the payment of accrued superannuation values or corresponding sums by any existing local authority or any council) as appears to the Ministry concerned to be necessary or proper for the purpose or in consequence of the order and for giving full effect thereto.

- (2) In this section “accrued superannuation value” has the same meaning as in the Local Government (Superannuation) Act (Northern Ireland) 1950 .

### **137 Compensation of officers**

- (1) The Ministry shall by regulations made with the approval of the Ministry of Finance make provision for the payment, on such terms and subject to such conditions as may be specified in the regulations, of compensation to or in respect of a person employed by an existing local authority who is transferred under section 135(1), (2) or (9) and who subsequent to his transfer, suffers loss of employment or loss or diminution of emoluments (including superannuation rights) which is attributable to this Act or any other transferred provision such as is mentioned in section 134(1) and for whose compensation no provision is made by any other statutory provision.
- (2) Regulations under this section may—
- (a) include provision as to the funds out of which and the authority or authorities by whom compensation is to be defrayed;
  - (b) include provision as to the manner in which and the time within which and the person to whom any claim for compensation is to be made;
  - (c) be framed so as to have effect from a date earlier than the making of the regulations but not so as to place any individual in a worse position than he would have been in if the regulations had been so framed as to have effect only from the date of their making;
  - (d) apply for the purposes of this section any transferred provision relating to the payment of compensation, subject to the modifications (if any) specified in the regulations;
  - (e) make provision for the determination of questions arising under the regulations.
- (3) Regulations under this section may also make provision in relation to persons who are employees of any such association of existing local authorities as may be prescribed and who suffer loss of employment or loss or diminution of emoluments (including superannuation rights) which is attributable to the reorganisation of local government effected by this Act; and, without prejudice to subsection (2), regulations making any such provision may provide that any compensation paid under the regulations by a government department shall be recoverable by that department in accordance with the regulations from such association or from such councils as may be prescribed by or determined under the regulations.

*S.138 rep. by 1985 NI 15*

*S.139 rep. by SLR 1980*

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#### **140**    **Bye-laws, etc.**

Subject to any modification or repeal made under section 134(2)( *b*), all bye-laws, orders and regulations of an existing local authority which are in force immediately before [<sup>F7</sup> 1st October 1973] and are not inconsistent with any statutory provision shall, in so far as they relate to or are in pursuance of a function exercisable on and after that date by another authority, continue in force as if made by that other authority, and may be altered or revoked accordingly.

**F7**    [1972 NI 21](#)

*S.141 rep. by 1985 NI 15*



**Changes to legislation:**

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