



# Local Government Act (Northern Ireland) 1972

## 1972 CHAPTER 9

### PART VI <sup>F1</sup>

#### BYE-LAWS

**F1** 1965 c.13 (NI), 1981 NI 1

#### **90** Bye-laws.

A council may make bye-laws in accordance with the succeeding provisions of this Part—

- (a) for the good rule and government of the whole or any part of its district;
- (b) for the prevention and suppression of nuisances in its district;
- (c) for any purpose for which bye-laws may be made by it under any other transferred provision.

#### **91** Procedure, etc., for making bye-laws.

- (1) Bye-laws shall be made under the common seal of the council and shall not have effect until they are confirmed by the Ministry concerned.
- (2) At least one month before application for confirmation of bye-laws is made, notice of the intention to apply for confirmation shall be given in at least two newspapers circulating in the locality in which the area to which the bye-laws are to apply is situated.
- (3) For at least one month before application for confirmation is made, a copy of the bye-laws shall be deposited at the offices of the council by which the bye-laws are made, and shall at all reasonable hours be open to public inspection without payment.

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government Act (Northern Ireland) 1972, PART VI. (See end of Document for details)*

- (4) The council by which the bye-laws are made shall, on application, furnish to any person a copy of the bye-laws, or of any part thereof, on payment of such reasonable sum as the council determines.
- (5) The Ministry concerned may confirm any bye-law submitted under this section for confirmation, subject to the consents (if any) required by section 9(2) of the Northern Ireland (Miscellaneous Provisions) Act 1932, or may refuse to confirm any such bye-law.
- (6) Where a bye-law is to have effect in the district of a council other than the council by which it is made, the Ministry concerned shall consult that other council before confirming the bye-law.
- (7) The Ministry concerned may fix the date on which a bye-law is to come into operation, and if no date is so fixed the bye-law shall come into operation at the expiration of one month from the date of its confirmation.
- (8) A copy of the bye-laws, when confirmed, shall be printed and deposited at the offices of the council by which the bye-laws are made, and shall at all reasonable hours be open to public inspection without payment, and a copy thereof shall, on application, be furnished to any person on payment of such reasonable sum as the council determines.

**Modifications etc. (not altering text)**

- C1** Ss. 91-94 applied (with modifications) (9.6.2010) by [River Bann Navigation Order \(Northern Ireland\) 2010 \(S.R. 2010/126\)](#), arts. 1(1), 3(2)

**92 Penalties for contravention of bye-laws.**

- (1) [<sup>F2</sup>Except as provided by any other statutory provision,] a person who contravenes a bye-law shall be guilty of an offence and, subject to subsection (2), shall be liable on summary conviction to a fine not exceeding [<sup>F3</sup> level 2 on the standard scale] and, in the case of a continuing offence, a further fine not exceeding £2 for each day on which the offence continues after conviction.
- (2) Bye-laws may, for offences under subsection (1) in relation to the bye-laws, fix lower maximum fines than the sums mentioned in that subsection, or, if power to fix higher maximum fines than those sums is conferred by the transferred provision conferring the power to make the bye-laws, may fix maximum fines exceeding those sums but not exceeding the higher maxima.
- (3) Proceedings in respect of an offence under subsection (1) shall not, without the consent of the Attorney-General, be taken by any person other than the council by which, or by whose predecessors, the bye-law in question was made.

**F2** [1985 NI 15](#)

**F3** [1984 NI 3](#)

**Modifications etc. (not altering text)**

- C2** Ss. 91-94 applied (with modifications) (9.6.2010) by [River Bann Navigation Order \(Northern Ireland\) 2010 \(S.R. 2010/126\)](#), arts. 1(1), 3(2)

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#### **F<sup>4</sup>93 Enforcement of bye-laws.**

- (1) An officer of a council who is authorised by the council in that behalf<sup>F5</sup> or a constable], may secure the observance of bye-laws made by the council.
- (2) An officer exercising powers conferred under this section, unless in uniform, shall, on request, produce some document showing that he is authorised by the council to exercise those powers.
- (3) For the purposes of this section,<sup>F6</sup> section 66 of the Police (Northern Ireland) Act 1998] (assault on, and obstruction of, constables, etc.) shall have effect in relation to a person authorised as mentioned in subsection (1) as if he were a constable.

**F4** 1973 NI 12; 1981 NI 14; 1986 NI 25  
**F5** 1992 NI 6  
**F6** 1998 c. 32

#### **Modifications etc. (not altering text)**

**C3** Ss. 91-94 applied (with modifications) (9.6.2010) by [River Bann Navigation Order \(Northern Ireland\) 2010 \(S.R. 2010/126\)](#), arts. 1(1), 3(2)

#### **94 Evidence of bye-laws.**

- (1) The production of a printed copy of a bye-law purporting to be made by a council, upon which is endorsed a certificate purporting to be signed by the clerk of the council stating—
  - (a) that the bye-law was made by the council;
  - (b) that the copy is a true copy of the bye-law;
  - (c) that on a specified date the bye-law was confirmed by the government department named in the certificate or was so confirmed subject to any specified consents;
  - (d) the date, if any, fixed by the Ministry concerned for the coming into operation of the bye-law;shall be evidence of the facts stated in the certificate, and without proof of the handwriting or official position of any person purporting to sign a certificate in pursuance of this section.
- (2) The validity of a bye-law which has been confirmed by a government department shall not be questioned in any legal proceedings on the ground that that department is not the Ministry concerned.

#### **Modifications etc. (not altering text)**

**C4** Ss. 91-94 applied (with modifications) (9.6.2010) by [River Bann Navigation Order \(Northern Ireland\) 2010 \(S.R. 2010/126\)](#), arts. 1(1), 3(2)

**Status:**

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