



Local Government Act (Northern Ireland) 1972

1972 CHAPTER 9

PART IX

ABOLITION OF EXISTING LOCAL AUTHORITIES AND TRANSITIONAL PROVISIONS

134 **Supplementary and transitional provisions.**

- (1) The Ministry concerned may at any time, whether before or after [^{F1} 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 [^{F1} 1st October 1973]) [^{F2} 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—
 - (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 [^{F1} 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);

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- (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 [^{F1} 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 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

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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.

F1 [1972 NI 21](#)

F2 [1972 NI 22](#)

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