



# Local Government Act (Northern Ireland) 1972

## 1972 CHAPTER 9

### PART X

#### GENERAL

#### 148 General interpretation.

(1 <sup>FI</sup> In this Act—

“association” includes any body of persons, corporate or unincorporate;

“chief financial officer” means the officer designated as such under section 54;

“council” has the meaning assigned to it in section 1(3), and in relation to any district means the council for that district;

“councillor” has the meaning assigned to it by section 1(3), and in relation to any council means a councillor of that council;

“date of conviction” shall, where the person convicted brings any appeal or application in respect of his conviction, be taken as the date on which that appeal or application is finally disposed of or abandoned or fails by reason of non-prosecution thereof;

“day of his election” means in relation to any person claiming or alleged to be a councillor—

(a) where his election or alleged election was contested, the day on which the result of the poll was declared; and

(b) in any other case, the day on which he was elected, or is alleged to have been elected, to act as a councillor;

“declaration” means declaration in writing;

“direction” means direction in writing; and “direct” shall be construed accordingly;

“district” has the meaning assigned to it by section 1(3), and in relation to any council means the district for which that council acts;

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*Status: Point in time view as at 01/04/2010. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government Act (Northern Ireland) 1972, Section 148. (See end of Document for details)*

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“elected” includes appointed,<sup>F2</sup> . . . nominated or otherwise selected [<sup>F3</sup>or returned];

“government department” means a department of the Government of Northern Ireland;

“insurance” means a contract with any person whereby, in consideration of payments by the council by way of premium or otherwise, that person undertakes to pay to the council such sums as may be provided in the contract on the occurrence of a particular event; and “insure” shall be construed accordingly;

*Defenition rep. by 1985 NI 15*

“joint committee” has the meaning assigned to it by section 19(1);

[<sup>F4</sup>“local elector” has the same meaning as in the Electoral Law Act (Northern Ireland) 1962]

“the Minister” means the Minister of Development<sup>F5</sup>;

“the Ministry”, except in Schedule 6, means the Ministry of Development<sup>F6</sup>;

“the Ministry concerned” in relation to any purpose or function means the government department concerned with that purpose or function, and if any question arises as to what department is the Ministry concerned, the question shall be determined by the Ministry of Finance;

“modify” means making additions, omissions, amendments, adaptations, applications, extensions, restrictions and substitutions;

“newspaper”, in sections 24 to 26, includes any newsagency which as part of its regular business sells or otherwise supplies for reward reports or information to newspapers and any organisation which as part of its regular business collects news for sound or television broadcasts; [<sup>F7</sup> or for programmes to be included in a programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service;]

“notice” means notice in writing;

“officer” includes servant;

“owner” means the person for the time being receiving the rack rent of the land in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if the land were let at a rack rent;

“prescribed” means prescribed by regulations;

<sup>F8</sup>

“public body”, except in section 146, means a body (other than a council) established by or under any transferred provision;

“public utility undertaking” means the provision of gas, transport or any other public service which a council is authorised to undertake;

“regulations” means regulations made by the Ministry;

“special resolution” means a resolution passed by a majority of not less than two-thirds of the whole number of the councillors at a meeting of the council which has been specially called for the purpose and of which at least ten days' notice, specifying the purpose of the meeting, has been given by advertisement in at least two newspapers circulating in the district of the council, in addition to the ordinary notice required to be given for convening a meeting of the council;

“the Staff Commission” has the meaning assigned to it by section 40; “provide” and “maintain” .

“statutory provision” has the meaning assigned to it by section 1( f) of the Interpretation Act (Northern Ireland) 1954 , and includes such a provision

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contained in or made under this Act or passed or made after the passing of this Act;

“transferred provision” has the meaning assigned to it by section 1( g) of the Interpretation Act (Northern Ireland) 1954, and includes such a provision contained in or made under this Act or passed or made after the passing of this Act;

“voluntary body” means any association carrying on or proposing to carry on any activities otherwise than for the purpose of gain by the association or by individual members thereof.

(2) For the purposes of this Act, a person shall be deemed not to withdraw from a meeting unless he removes himself outside the hall or room in which the meeting is held and outside the sight and hearing of persons present at the meeting.

(3) References in this Act to the consent or approval of any authority are references to consent or approval in writing.

[<sup>F9</sup>(4) For the purposes of this Act references to “publicity”, “publish” and “publication” are references to any communication, in whatever form, addressed to the public at large or to a section of the public.]

**F1** 1965 c.13 (NI), 1970 c.9 (NI), 1972 NI 14, 1981 NI 3

**F2** S. 148: words omitted (1.4.2010) in the definition of "elected" by virtue of Electoral Law Act (Northern Ireland) 1962 (Amendment) Order 2010 (S.I. 2010/1178), arts. 1(2), **5(4)(a)**

**F3** S. 148: words inserted (1.4.2010) in the definition of "elected" by Electoral Law Act (Northern Ireland) 1962 (Amendment) Order 2010 (S.I. 2010/1178), arts. 1(2), **5(4)(b)**

**F4** 1989 c.3

**F5** SRO (NI) 1973/504; 1976 NI 6

**F6** SRO (NI) 1973/504; 1976 NI 6

**F7** 1990 c.42

**F8** Definition of "prohibition order" in s. 148(1) repealed (1.4.2006) by Local Government (Northern Ireland) Order 2005 (S.I. 2005/1968 (N.I. 18)), arts. 1(2), 28(8), Sch. 1; S.R. 2006/151, **art. 2**, Sch. (with art. 4)

**F9** 1992 NI 6

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

**C1** S. 148 applied (with modifications) (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 7(2), 34(3), **Sch. 1 para. 11(1)** (with Sch. 1 para. 11(2)); S.R. 2009/114, **art. 2**

**C2** S. 148 applied (with modifications) (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 7(2), 34(3), **Sch. 2 para. 11(1)** (with Sch. 2 para. 11(2)); S.R. 2009/114, **art. 2**

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Local Government Act (Northern Ireland) 1972, Section 148.