

1967. No. 57

[C]

NEW TOWNS

Municipal Functions Order

ORDER*, DATED 16TH MARCH 1967, MADE BY THE MINISTRY OF DEVELOPMENT UNDER SECTIONS 28, 29, 30 AND 34(2) OF THE NEW TOWNS ACT (NORTHERN IRELAND) 1965.

Whereas by the New Towns Designation Order (Northern Ireland) 1965(a), dated 9th July 1965, made under section 1 of the New Towns Act (Northern Ireland) 1965(b) (in this Order referred to as "the Act"), the Minister of Development designated the area of land comprising the Boroughs of Lurgan and Portadown and the Rural Districts of Lurgan and Moira as the site of a new town, now known as "Craigavon":

And whereas by the Craigavon Development Commission Order (Northern Ireland) 1965(c), dated 14th October 1965, made under section 7 of the Act, the Minister of Development established a new town commission to be known as the Craigavon Development Commission (in this Order referred to as "the Commission") to exercise the functions of a new town commission in relation to the new town of Craigavon:

And whereas under section 28 of the Act the Ministry of Development (in this Order referred to as "the Ministry"), after consultation with all local authorities appearing to it to be concerned, is satisfied that by reason of the lack of resources of the Council of the Rural District of Lurgan to provide the services necessary for the proper development of the new town of Craigavon it is expedient that a municipal functions order should be made in relation to that part of the area designated by the said Order dated 9th July 1965, comprised in the Rural District of Lurgan but excluding that portion of the Rural District of Lurgan described in Schedule 1:

And whereas the Ministry deems it expedient to incorporate in the Borough of Lurgan the remaining part of the Rural District of Lurgan:

Now therefore the Ministry, in exercise of the powers conferred upon it by sections 28, 29, 30 and 34(2) of the Act, and of all other powers enabling it in that behalf, hereby orders and directs as follows:—

Citation

1. This Order may be cited as the New Towns (Municipal Functions—Craigavon) Order (Northern Ireland) 1967.

Interpretation

2. In this Order—

- "the added area" means the area which by this Order is added to and incorporated in the existing borough and described in Schedule 1;
- "the appointed day" means 1st April 1967;
- "the borough" means the borough of Lurgan as extended by this Order;
- "the borough council" means the council of the borough of Lurgan;

(a) S.R. & O. (N.I.) 1965, No. 147.

(c) S.R. & O. (N.I.) 1965, No. 208.

(b) 1965. c. 13 (N.I.).

*A Draft of this Order was approved by Resolution of the House of Commons on the 15th March 1967 and of the Senate on the 16th March 1967.

“the county” means the administrative county of Armagh and “the county council” means the council of the administrative county of Armagh;
 “existing” in relation to any local authority affected or to any area altered by this Order means existing immediately before the appointed day;
 “the existing borough” means the borough of Lurgan existing immediately before the appointed day; and
 “the rural council” means the council of the rural district of Lurgan and “the rural district” means the rural district of Lurgan.

Commencement

3. This Order shall come into operation for the following purposes, namely:—

- (a) the preparation or service of any precept, demand or contribution order to be issued or made in respect of any period commencing on or after the appointed day;
- (b) the preparation or approval of any rate to be struck in respect of a period commencing on the appointed day;
- (c) the alteration of any valuation list to take effect on or after the appointed day;

on the date on which it is made and for all other purposes on the appointed day.

Craigavon Urban District

4. As from the appointed day the Commission shall exercise the functions of an urban district council in relation to an area consisting of the whole of the rural district except that portion described in Schedule 1 and the said area shall be called “the Urban District of Craigavon”.

Incorporation of part of Lurgan Rural District in Lurgan Borough

5.—(1) As from the appointed day the part of the rural district described in Schedule 1 shall be added to and incorporated in the borough.

(2) The added area shall be included within the district electoral division of Lurgan Urban and shall cease to form part of the district electoral division of Lurgan Rural.

(3) The added area shall be separated from the Kernan county electoral division and shall be included in the Lurgan Urban county electoral division.

Existing Mayor, Aldermen and Councillors of Lurgan Borough

6.—(1) The persons who hold office immediately before the appointed day as the mayor, aldermen and councillors of the existing borough shall on the appointed day become the mayor, aldermen and councillors of the borough.

(2) Any alderman or councillor who immediately before the appointed day represents the existing borough shall as from the appointed day represent the borough as extended by this Order.

(3) If immediately before the appointed day a casual vacancy exists in the representation of the existing borough the vacancy shall be deemed to exist in the representation of the borough as extended by this Order.

Existing County Councillors

7. Any person who immediately before the appointed day is a county councillor representing an existing electoral division of the county which is altered by this Order shall be deemed to have been elected to represent that electoral division as so altered.

Qualifications of Members of Local Authorities

8.—(1) For the purposes of the determination after the appointed day of the qualification of a person for election as an alderman of the borough or as a county councillor or borough councillor the alteration of the area made by this Order shall be deemed to have had effect as from the first day of April nineteen hundred and sixty-six.

(2) Any alderman or councillor of the existing borough and any county councillor who is to continue in office after the appointed day shall not during his present term of office be deemed to lose his qualification for being an alderman or councillor by reason of any alteration of area made by this Order.

Term of Office of Members of Local Authorities

9. Any member of the county council or borough council shall retire from office on the day on which he would have retired from office if this Order had not been made and any person elected to fill a casual vacancy in the office of member of the county council or borough council shall retire from office on the day on which the person in whose place he is elected would have retired from office if this Order had not been made.

Property and Liabilities of Borough Council

10. Subject to the provisions of this Order all property immediately before the appointed day vested in the borough council for the benefit of the existing borough (not being property held on any charitable trust) shall by virtue of this Order be held by the borough council for the benefit of the borough and the borough council shall hold, enjoy and exercise for the benefit of the borough all the powers which immediately before that day are exercisable by or vested in them for the benefit of the existing borough and all liabilities which immediately before the appointed day attach to the borough council in respect of the existing borough shall on that day attach to them in respect of the borough.

Mortgage Debts of Borough Council

11.—(1) So much of any sums borrowed by the borough council as immediately before the appointed day is owing and charged upon a fund or rate of the existing borough shall be charged upon the corresponding fund or rate of the borough or the revenues of the borough as the case may require.

(2) All borrowed moneys to which this article applies with the interest thereon shall be repaid by the borough council within the respective periods for which the loans in respect of which the said sums are owing were originally sanctioned or within which the same are otherwise required to be repaid or are made repayable.

Transferred Provisions relating to Existing Borough

12. All transferred provisions including local Acts, in force in the existing borough immediately before the appointed day shall extend and apply to the borough and any reference therein which is applicable to the existing borough shall be deemed to refer to the borough.

Adoptive Acts

13. The provisions of the adoptive Acts specified in Schedule 2 shall be in force within and apply to the Urban District of Craigavon as if they had been adopted for the said district.

Byelaws of County Council

14.—(1) Subject to the provisions of this article, all byelaws made by the county council and in force immediately before the appointed day within the added area shall in so far as byelaws to the like effect could be made by the borough council cease to be in force within the added area.

(2) Any proceedings which if this Order had not been made might have been taken for any offence committed within the added area before the appointed day against any byelaws of the county council which by virtue of paragraph (1) of this article cease to apply to the added area may be taken by the borough council as if the borough council had been substituted in the byelaws for the county council and as if those byelaws had remained in force in the added area.

Adjustment of Property and Liabilities

15.—(1) The references in paragraphs 3 and 4 of Schedule 6 to the Act to “the transferee” shall in relation to property of the rural council situated in the added area and liabilities of the rural council in respect thereof be construed as references to the borough council and shall in relation to all other property and liabilities of the rural council be construed as references to the Commission.

(2) For the purposes of any adjustments which may be required in consequence of this Order or of anything done under this Order article 30 of the Schedule to the Local Government (Application of Enactments) Order 1898(a), shall apply with the modification that where and so far as an adjustment is not or cannot be made under that article by agreement between the authorities interested, the Ministry may on the application of any such authority make such adjustment as shall appear to the Ministry to be requisite and proper, and such adjustment made by the Ministry shall have full force and effect notwithstanding any provisions to the contrary contained in section 71 of the Local Government (Ireland) Act 1898(b) or in any previous adjustment order.

(3) For the purposes of this article the expressions “authority” and “authorities” in article 30 of the Schedule to the Local Government (Application of Enactments) Order 1898, shall be deemed to include the Commission in so far as they are empowered by the Act and this Order to exercise municipal functions.

(4) Any balance standing on the appointed day in the books of the county council or in the books of the rural council in respect of the poor rate or any special rate of the rural district shall be a matter for adjustment.

Arrears of Rates

16.—(1) Arrears of rates due immediately before the appointed day and payable in respect of property in the Urban District of Craigavon or in the added area may be levied, collected and recovered by or on behalf of the county council in the like manner, to the like extent and with the like consequences as they could have been levied, collected and recovered by or on behalf of the county council if this Order had not been made.

(2) Schedule 6 to the Act shall have effect as if paragraph 9 thereof were deleted.

Officers

17. Notwithstanding anything contained in this Order references in section 35 of the Act to "the transferee" shall be construed as references to the Commission.

Sealed with the Official Seal of the Ministry of Development for Northern Ireland this 16th day of March 1967.

(L.S.)

W. K. Fitzsimmons,
Minister of Development for Northern Ireland.

SCHEDULE 1

AREA TO BE ADDED TO AND INCORPORATED IN THE BOROUGH

The area to be added to and incorporated in the borough shall consist of all of the townlands of Ballyblagh, Knocknashane and Tirsogue together with that portion of the townland of Toberhewny lying to the east of the fence, hedge, wall that bounded the Lurgan to Gilford Road on its western side immediately prior to the re-alignment of said road that was completed circa June 1963.

SCHEDULE 2

ACTS ADOPTED FOR PURPOSES OF CRAIGAVON URBAN DISTRICT

9 & 10 Vict. c. 87 Baths and Washhouses (Ireland) Act 1846.
17 & 18 Vict. c. 103 Towns Improvement (Ireland) Act 1854. Public Libraries Acts (Northern Ireland) 1885 to 1924.
53 & 54 Vict. c. 59 Public Health Acts Amendment Act 1890, Part III.
54 & 55 Vict. c. 22 Museums and Gymnasiums Act 1891. Small Dwellings Acquisition Acts (Northern Ireland) 1899 to 1948.
7 Edw. 7. c. 53 Public Health Acts Amendment Act 1907, Parts II, III, VI, VII and X.
24 & 25 Geo. 5. c. 22 Local Government Act (Northern Ireland) 1934, section 17(3).

EXPLANATORY NOTE

(This Note is not part of the Order but is intended to indicate its general purport.)

This Order confers on the Craigavon Development Commission municipal functions in respect of the greater part of the Lurgan Rural District. This part is henceforth to be known as the Craigavon Urban District. The Order brings into operation as from 1st April 1967 provisions of section 28 of the New Towns Act (Northern Ireland) 1965 which have the effect of dissolving the Lurgan Rural District Council and abolishing the Lurgan Rural District. It also brings into operation from the same date provisions of section 30 of that Act enabling the Craigavon Development Commission to exercise the functions of an urban district council in relation to the new Craigavon Urban District.

For convenience of administration and servicing the Order incorporates in Lurgan Borough the small remaining part of the Lurgan Rural District lying immediately to the south of the Borough.