

1973. No. 357

[C]

**LOCAL GOVERNMENT****Dissolution of the New Town Commissions**

ORDER, DATED 26TH SEPTEMBER 1973, MADE BY THE MINISTRY OF DEVELOPMENT UNDER SECTIONS 131(3), 133(1) AND 134 OF THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972.

The Ministry of Development on behalf of the Secretary of State and in exercise of the powers conferred on it by sections 131(3), 133(1) and 134 of the Local Government Act (Northern Ireland) 1972(a) and of every other power enabling it in that behalf hereby makes the following Order:—

*Citation*

1. This Order may be cited as the Local Government (Dissolution of the New Town Commissions) Order (Northern Ireland) 1973.

*Interpretation*

2. In this Order—

“the Commissions” means the Craigavon Development Commission, the Antrim and Ballymena Development Commission and the Londonderry Development Commission;

“development functions” has the meaning assigned to it by section 7(1)(a) of the New Towns Act (Northern Ireland) 1965(b).

“new town commission” has the meaning assigned to it by section 7(1) of the New Towns Act (Northern Ireland) 1965.

*Dissolution of the Commissions*

3. The day on which the Commissions will cease to exercise development functions and be dissolved shall be the 1st October 1973.

*Transfer of functions*

4. The development functions exercisable immediately before 1st October 1973 by the Commissions or by an officer of any of the Commissions shall be, and are hereby, transferred on that date—

(a) where they are industrial development functions, to the Ministry of Commerce, and

(b) where they are development functions other than industrial development functions, to the Ministry of Development.

*Transfer of assets and liabilities*

5.—(1) Subject to Article 6 every asset (other than any asset referred to in paragraph (2)) either held by a Commission or to which a Commission was entitled immediately before 1st October 1973 for the purposes of any development function which is transferred by Article 4 to a government department and every liability attaching to a Commission in connection with

any such function shall on 1st October 1973 by virtue of this Order be transferred to and shall vest in or attach to that government department without the necessity of any conveyance, deed of transfer, assignment, notice or other instrument.

(2) The property held immediately before 1st October 1973—

- (a) by Craigavon Development Commission known as Craigavon House, Bachelors Walk, Portadown, and
- (b) by Londonderry Development Commission at Rectory Field, Limavady Road, Londonderry, and appropriated for the purposes of the Chief Architect Planners offices and for the purposes of the new office block presently under construction together with the rights of way to Limavady Road,

and every right and liability attaching to those respective Commissions in connection with that property shall on 1st October 1973 by virtue of this Order be transferred to and shall vest in or attach to the Ministry of Finance without the necessity of any conveyance, deed or transfer, assignment, notice or other instrument.

#### *Transfer of balances*

6. For the purposes of the transfer of assets and liabilities under Article 5(1)—

- (a) the sums due to the Ministry by each of the Commissions immediately before 1st October 1973 on account of advances shall be allocated at that date between the government departments to whom the development functions are transferred by Article 4 in proportion to the written down value of the assets which were acquired in connection with each function up to and including 30th September 1973; and
- (b) the accumulated balances outstanding on the general revenue accounts of the Commissions as shown in the audited balance sheets of the Commissions as at 30th September 1973 shall be allocated on 1st October 1973 between the government departments to whom the development functions are transferred by Article 4 in proportion to the written down value of the assets acquired in connection with each function up to and including 30th September 1973; and
- (c) any bank or cash balances held by the Commissions as shown in the audited balance sheets of the Commissions as at 30th September 1973 shall be transferred to the Ministry of Finance as from 1st October 1973.

#### *Transitional provisions*

7.—(1) In the construction and for the purposes of any judgment, decree, order, award, deed, contract, bond, agreement, regulation, rule, certificate or other document made before 1st October 1973 and related to a function transferred by Article 4 any reference which is or is to be construed as a reference to a Commission shall, so far only as may be necessary for the purpose or in consequence of the transfer be construed as a reference to the government department to whom the function concerned is transferred by Article 4.

(2) The transfer shall not affect any order, regulation, rule, direction, instruction, approval, requirement or authorisation made or given or other thing done by a Commission before 1st October 1973 in relation to a function transferred by Article 4 but any such matter shall if in force immediately before that date continue in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the government department to whom the function concerned is transferred by Article 4.

(3) Anything commenced before 1st October 1973 by or under the authority of a Commission may so far as it relates to any function transferred by Article 4 or any asset or liability transferred to or vested in or imposed on a government department by Article 5 or 6 be carried on or completed by or under the authority of the government department to whom the function asset or liability is transferred.

(4) Any investigation, legal proceedings or remedy under any transferred provision or otherwise in respect of any function, asset or liability transferred by this Order to a government department may be instituted, continued or enforced by or against that government department under the powers and provisions applicable thereto immediately before 1st October 1973.

#### *Audit of accounts of the Commissions*

8. The accounts of the Commissions shall be made up to and closed on 30th September 1973 and shall as soon as may be after that date be audited in the same manner and in accordance with the same consequences and proceedings as if the Commissions had not been dissolved on 1st October 1973.

#### *Annual report of the Commissions*

9. The Commissions shall make a report to the Ministry for the period from 31st March 1973 to 30th September 1973 in accordance with section 11 of the New Towns Act (Northern Ireland) 1965 as if the Commissions had not been dissolved on 1st October 1973.

#### *Duties of members and officers*

10. For the purposes of Articles 8 and 9 the members and officers of the Commissions shall be deemed to continue in office and to be liable to perform the same functions including the duty to make up accounts and to be subject to the same consequences in so far as these are necessary for and consistent with the audit of the Commission's accounts and any proceedings arising from or revealed by such audit or with the making of the report as if such Commissions had not been dissolved on 1st October 1973.

#### *Continuance of certain legislation relating to audit and pecuniary interest*

11.—(1) For the purposes of Article 8 all transferred provisions relating to the accounts and the audit of accounts of Commissions shall continue to have effect notwithstanding the repeal of any of those provisions by the Local Government Act (Northern Ireland) 1972.

(2) For the purpose of dealing with proceedings or matters arising from the pecuniary interests of members and officers of Commissions as a result of matters which took place or occurred prior to 1st October 1973 but were not revealed or discovered until on or after that date the Local Government (Members and Officers) Act (Northern Ireland) 1964(c) as applied by section

7(4) of the New Towns Act (Northern Ireland) 1965, shall continue to have effect notwithstanding its repeal by the Local Government Act (Northern Ireland) 1972 and notwithstanding the amendment of the said section 7(4) by that Act of 1972,

*Determination of questions*

12. Any questions arising under this Order as to whether a development function is an industrial development function or as to whether a Commission held or was entitled to any asset for the purposes of any particular function or any liability attached to any Commission in connection with any particular function shall, in default of agreement being arrived at within such period as the Ministry may direct, be referred to and determined by the Ministry of Finance.

Sealed with the Official Seal of the Ministry of Development for Northern Ireland this 26th day of September 1973.

(L.S.)

*John A. Oliver,*  
Secretary.

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EXPLANATORY NOTE

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

This order makes provision for the dissolution of the Craigavon, Antrim and Ballymena, and Londonderry Development Commissions and for their ceasing to exercise development functions. It also provides for the transfer of their development functions, for the transfer of their assets and liabilities, for the closure and audit of their accounts, and for certain other transitional matters relating to the Commissions.