

EXPLANATORY NOTE

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

This Order has the effect of applying a 40 m.p.h. speed limit to various lengths of road in Counties Antrim, Armagh, Down and Londonderry. It also has the effect of applying a 50 m.p.h. speed limit to a section of the Londonderry-Ballykelly Road at Ballykelly, previously unrestricted.

The only instances of increasing the speed limit from 30 m.p.h. to 40 m.p.h. are on Lough Road, Lurgan, and on 100 yards of the Antrim-Crumlin Road, where the 30 m.p.h. speed limit has been found to be unrealistic.

Two short sections of road are restricted to 30 m.p.h.

1967. No. 60

[C]

LOCAL GOVERNMENT

County Fermanagh (Transfer of Functions) Order

ORDER*, DATED 6TH MARCH 1967, MADE BY THE MINISTRY OF DEVELOPMENT UNDER SECTIONS 1 TO 3 OF THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1966.

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24. County Education Committee.
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*The above Order was confirmed by Resolutions of the House of Commons on the 15th March 1967, and the Senate on the 21st March 1967,

27. Qualification of jurors.
28. Valuation lists.
29. Local Acts.
30. Rates.
31. General Exchequer Contribution.
32. Transfer of officers.

Whereas the councils of the borough of Enniskillen and the rural districts of Enniskillen, Irvinestown and Lisnaskea, have in accordance with the provisions of section 1 of the Local Government Act (Northern Ireland) 1966(a) resolved that their functions should be transferred to the council of the administrative county of Fermanagh:

And whereas the council of the administrative county of Fermanagh have resolved to accept such transfer:

Now therefore the Ministry of Development in exercise of the powers vested in it by sections 1 to 3 of the Local Government Act (Northern Ireland) 1966, and of every other power enabling it in that behalf, hereby makes the following Order:—

Title

1. This Order may be cited as the County Fermanagh (Transfer of Functions) Order (Northern Ireland) 1967.

Commencement

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

- (a) the compilation, alteration or arrangement of any register of electors under the Electoral Law Act (Northern Ireland) 1962(b); and
- (b) the holding of the election of county councillors as provided in this Order and discontinuing the holding of separate elections of aldermen and councillors for the borough and rural districts, including the provisions of Article 14(2);

on 1st April 1967, and for all other purposes on the appointed day.

Interpretation

3. In this Order—

“the appointed day” means 2nd June 1967;

“the borough” means the borough of Enniskillen;

“the borough council” means the council of the borough;

“the charter” means the charter of incorporation granted to the inhabitants of the urban district of Enniskillen on 29th April 1949;

“the corporation” means the mayor, aldermen and burgesses of the borough;

“the county” means the administrative county of Fermanagh;

“the county council” means the council of the county;

“the Ministry” means the Ministry of Development;

“the rural districts” means the rural districts of Enniskillen, Irvinestown and Lisnaskea;

“the rural district councils” means the councils of the rural districts.

Abolition of rural district councils

4. On the appointed day the rural district councils shall be dissolved and shall cease to exist.

(a) 1966. c. 38 (N.I.).

(b) 1962. c. 14.

Transfer of functions of corporation and borough council

5.—(1) Subject to paragraph (2), the functions exercisable by the corporation and by the borough council immediately before the appointed day under any enactment or under the charter shall as from that day be transferred to and be exercised by the county council.

(2) The corporation and the borough council shall retain and continue to enjoy the dignities and privileges afforded by the charter and shall continue to receive and attend upon distinguished visitors to the borough and perform the customary functions of a ceremonial nature including the functions under section 11 of the Municipal Privilege Act, Ireland, 1876(a) (which provides for the grant of the honorary freedom of a borough) but otherwise the charter shall have effect subject to the provisions of this Order.

Transfer of functions of rural district councils

6. All the functions exercisable by the rural district councils immediately before the appointed day under any enactment shall as from that day be transferred to and be exercised by the county council.

Accounts of borough and rural district councils

7. The accounts of all receipts and payments of the borough and rural district councils and of joint committees thereof and of the respective officers of such councils and joint committees up to the appointed day shall, as soon as conveniently may be after that day, be audited and disallowances, surcharges, charges and penalties in relation to such accounts, receipts and payments shall be made, recovered and enforced in like manner as nearly as may be as if this Order had not been made.

Duties of officers of borough and rural district councils and committees thereof

8. Every officer of the borough and rural district councils or any committee thereof whose duty it is to make up any accounts of or to account for any portion of the receipts or payments of the said councils and also every member thereof or of any committee thereof shall, until the audit of the accounts of such receipts and payments up to the appointed day is completed, be deemed for the purposes of such audit to continue in office and be bound to perform the same duties and render the same accounts and be subject to the same liabilities as if this Order had not been made.

References in enactments, etc., to borough and rural districts and councils and officers thereof

9.—(1) The provisions of this Article shall apply in relation to the functions transferred by this Order.

(2) In the construction and for the purposes of any enactment, judgment, decree, order, award, warrant, deed, contract, regulation, bye-law, resolution, decision, consent, certificate or other document passed or made before the appointed day, any reference to, or which is to be construed as a reference to the borough or the rural districts or to the corporation or to the borough or rural district councils or to the urban or rural sanitary authorities shall, so far only as may be necessary for the purpose or in consequence of the transfer, be construed as a reference to the county or the county council and any reference to, or which is to be construed as a reference to, the town clerk or clerk of the district councils or to any officer of the borough or district councils shall, so far only as may be necessary for the purpose and in consequence of the transfer, be construed as a reference to the secretary of the

(a) 39 & 40 Vict. c. 76.

county council or such officer as the county council may nominate for the purpose.

(3) The transfer shall not affect any order, regulation, rule, bye-law, appointment, direction, instruction, approval, requirement or authorisation made or given or other thing done by the corporation, borough or rural district councils before the appointed day, but any such matter shall, if in force immediately before that day, 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 county council.

(4) Anything commenced before the appointed day, by or under the authority of the corporation, borough or rural district councils may, so far as it relates to any functions transferred, be carried on or completed by or under the authority of the county council.

(5) Where at the appointed day any legal proceeding is pending to which the corporation, the borough or the rural district councils are a party, and the proceeding has reference to any of the functions transferred, the county council shall be substituted in the proceeding for the corporation, the borough or the rural district councils, and the proceeding shall not abate by reason of the substitution.

Transfer of property, etc.

10. All property, rights and liabilities held, enjoyed or incurred before the appointed day by the corporation, the borough or rural district councils shall be transferred to the county council as from the appointed day, and accordingly, as from that day by virtue of this Order and without any further conveyance, transfer or assignment—

- (a) the said property, real or personal, shall vest in the county council;
- (b) the said rights shall be enjoyed by the county council; and
- (c) the said liabilities shall become liabilities of the county council.

Constitution of county council

11. The areas of the county electoral divisions shall be as provided in the Order(a) made under section 7 of the Local Government Act (Northern Ireland) 1922(b) by the Ministry of Home Affairs on 5th day of December 1923, except that for the county electoral division of Enniskillen Urban there shall be substituted the three county electoral divisions comprising the areas set forth below:—

<i>County Electoral Division</i>	<i>Contents</i>
Enniskillen Borough East . . .	The area of the County District Electoral Division of Enniskillen East Ward.
Enniskillen Borough North . . .	The area of the County District Electoral Division of Enniskillen North Ward.
Enniskillen Borough South . . .	The area of the County District Electoral Division of Enniskillen South Ward.

Number of county councillors

12. Notwithstanding anything in any enactment, the number of persons to be elected as councillors of the county council and the divisions for their election shall be as follows:—

(a) S.R. & O. (N.I.) 1923, No. 154.

(b) 12 & 13 Geo. 5. c. 16 (N.I.).

<i>County Electoral Division</i>	<i>Number of Elected Councillors</i>
Bellanamallard	2
Brookeborough	2
Clonelly	2
Crum	2
Derrylea	2
Doon	2
Enniskillen Borough East	4
Enniskillen Borough North	4
Enniskillen Borough South	4
Enniskillen Rural	2
Florence Court	2
Holywell	2
Inishmacsaint	2
Irvinestown	2
Lack	2
Laragh	2
Lisbellaw	2
Lisnaskea	2
Maguiresbridge	2
Monea	2
Newtownbutler	2
Rosslea	2

Application of s. 3(2) of 61 & 62 Vict. c. 37

13. The county council may, by virtue of section 3(2) of the Local Government (Ireland) Act 1898(a), choose from persons qualified to be councillors one or two persons who shall be additional councillors during the term of office of the council.

Constitution of borough council

14.—(1) Notwithstanding anything in any enactment or the charter, the borough council shall be constituted as provided in this Order and no separate elections for the borough council shall be held.

(2) Every person who is a member of the borough council at the date of the making of this Order holding office as mayor, deputy mayor, alderman or councillor shall continue in office until the appointed day provided that nothing in this Order shall prevent a person from resigning in the manner provided by law from any such office.

Number of members of borough council

15. The number of members of the borough council shall be twelve and two aldermen and two councillors shall represent each of the wards, as follows:—

<i>Wards</i>	<i>Number of Councillors</i>	<i>Number of Aldermen</i>
East Ward	2	2
North Ward	2	2
South Ward	2	2

Election of borough council

16.—(1) The persons elected to be the members of the county council for the county electoral divisions of Enniskillen Borough East, Enniskillen Borough

(a) 61 & 62 Vict. c. 37.

North and Enniskillen Borough South shall be deemed to be the elected members of the borough council for the East Ward, North Ward and South Ward respectively.

(2) Any member of the county council deemed to have been elected a member of the borough council shall, if he ceases to be a member of the county council, cease to be a member of the borough council.

Casual vacancies in office of mayor and alderman

17. On a casual vacancy occurring in the office of mayor or alderman of the borough, an election to fill the vacancy shall be held not later than 28 days after the date on which the vacancy occurs, and shall be conducted in the same manner as an election under Article 18.

Election of mayor and aldermen and meetings of borough council

18.—(1) Notwithstanding anything to the contrary in any enactment, the borough council shall meet—

- (a) in a local election year on a day not less than 8 and not more than 15 days after the first Thursday in June and at that meeting such of the members of the borough council as represent each Ward shall elect two of their number to be aldermen for that Ward and the term of office of each alderman so elected shall be three years only;
- (b) annually on a day not less than 8 and not more than 15 days after the first Thursday in the month of June and at that meeting the mayor shall be elected from among their number by the aldermen and councillors;
- (c) on such other days as the borough council may determine.

(2) Section 3(1) of the Local Government Act (Northern Ireland) 1934(a) shall apply to the borough council.

Appointment of deputy mayor

19. Section 11 of the Public Health and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1962(b) shall apply in relation to the appointment and powers of a deputy mayor of the borough.

Application of s. 4 of 1964. c. 21

20. Section 4 of the Magistrates' Courts Act (Northern Ireland) 1964(c) shall apply in the case of the holder of the office of mayor of the borough.

Funds, etc., of borough council

21.—(1) The county council shall make available to the borough council such funds, staff, facilities and accommodation as the county council deems necessary.

(2) In the event of any dispute between the county council and the borough council respecting such funds, such dispute shall be determined by the Ministry.

Payment of allowance to mayor

22. The borough council may pay to the mayor of the borough such allowance as the borough council think reasonable for the purposes of enabling him to meet the expenses of his office.

(a) 24 & 25 Geo. 5. c. 22 (N.I.).
(b) 1962. c. 12.

(c) 1964. c. 21 (N.I.).

Audit of accounts of borough council

23. The accounts of the borough council shall be subject to audit by such local government auditor as may from time to time be appointed by the Ministry for that purpose.

County Education Committee

24. Paragraph (b) of subsection (3) of section 2 of the Education Act (Northern Ireland) 1947(a) shall, from the appointed day, cease to have effect in the county.

County Health and Welfare Committees

25. Paragraph 2(2)(b) and paragraph 2(3) of Part I of Schedule 1 to the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland) 1946(b) shall, from the appointed day, cease to have effect in the county.

County Library Committee

26. The Schedule to the Public Libraries Act (Northern Ireland) 1924(c) shall be modified in its operation in the county by the substitution for paragraphs (b), (c) and (d) of the words "four members of the county council" and by the substitution in the last paragraph for the words from "in number" to the end of the paragraph of the word "three".

Qualification of jurors

27. The rating qualification prescribed for jurors in Schedule 1 to the Jury Laws Amendment Act (Northern Ireland) 1926(d) shall continue to have effect as if this Order had not been made.

Valuation lists

28. The Commissioner of Valuation shall take such action as regards valuation lists as may be necessary as the result of this Order.

Local Acts

29. There shall be made in every local and personal Act and public general Act of a local character such modifications and adaptations as may be required to bring it into conformity with the provisions of this Order.

Rates

30.—(1) Without prejudice to the provision of any enactment relating to the raising of separate charges, the expenses incurred by the county council in respect of their functions and in respect of the functions transferred by this Order shall be raised equally over the whole county and shall not be apportioned between districts.

(2) During the three financial years which begin after the appointed day, the county council may levy such differential rates in the borough and in the rural districts as they may determine with the approval of the Ministry.

(3) In this Article "separate charges" shall have the same meaning as in section 1 of the Local Government (Finance) (No. 2) Act (Northern Ireland) 1958(e).

(a) 1947. c. 3.

(b) 1946. c. 19.

(c) 14 & 15 Geo. 5. c. 10 (N.I.).

(d) 16 & 17 Geo. 5. c. 15 (N.I.).

(e) 1958. c. 25.

General Exchequer Contribution

31.—(1) For the purposes of calculation and payment of General Exchequer Contribution under the Local Government (Finance) (No. 2) Act (Northern Ireland) 1958 the county shall, for any financial year commencing after the appointed day, in addition to being a county, be deemed to be a rural district; and the borough and the borough council shall be deemed to have ceased to exist:

Provided that the county council shall maintain accounts showing separately receipts and payments in respect of functions transferred by this Order (other than functions formerly exercised by the borough council which in a rural district would be exercisable by a county council) and in respect of their other functions.

(2) For the financial year commencing on 1st April 1967, the net expenditure for each council shall be determined by the Ministry having regard to—

- (a) the net expenditure as shown by the revenue account of the borough council and the rural district councils for the period from 1st April 1967 to 1st June 1967;
- (b) the net expenditure as shown by the revenue account of the county council for the year to 31st March 1968;
- (c) the county demand made on the borough council for the year commencing 1st April 1967; and
- (d) any other matter which the Ministry considers to be relevant.

Transfer of officers

32.—(1) Every person employed immediately before the appointed day by the borough or the rural district councils shall be transferred to the employment of the county council on the appointed day, and shall, so long as he continues in that employment by virtue of this Order, and until he is served with a statement in writing of his new terms and conditions of employment, enjoy terms and conditions of employment (including conditions as to superannuation benefits) not less favourable than those he enjoyed before the appointed day.

(2) The new terms and conditions referred to in paragraph (1) shall be such that—

- (a) as long as the person is engaged in duties reasonably comparable to those in which he was engaged immediately before the appointed day, the scale of his salary or remuneration, and
- (b) the other terms and conditions of his employment

are not less favourable than those he enjoyed immediately before the appointed day, and any question whether duties are reasonably comparable as aforesaid shall be determined by a Tribunal established under section 13 of the Industrial Training Act (Northern Ireland) 1964(a). The statement of new terms and conditions shall contain information that any question shall be so determined and as to the persons and address to whom any question should be referred.

(3) In paragraphs (2) and (3) “terms and conditions of employment” includes any restriction arising under any Act or any Order made under any Act on the termination of the employment of any officer.

(4) A written statement given in accordance with section 4 of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(b) shall not be regarded as a statement of new terms and conditions of employment for the purposes of paragraph (3) unless the statement so indicates.

(a) 1964. c. 18 (N.I.).

(b) 1965. c. 19 (N.I.).

Sealed with the Official Seal of the Ministry of Development for Northern Ireland this 6th day of March nineteen hundred and sixty-seven.

(L.S.)

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

EXPLANATORY NOTE

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

This Order provides for the transfer of the functions of the district councils in County Fermanagh to the county council and for the dissolution of the rural district councils. It also provides for the keeping in being for ceremonial purposes of the borough council of Enniskillen.

1967. No. 61

[C]

SELECTIVE EMPLOYMENT PAYMENTS

Continuation of Partial Refunds

ORDER*, DATED 16TH MARCH 1967, MADE BY THE MINISTER OF FINANCE UNDER SECTION 3(2) OF THE SELECTIVE EMPLOYMENT PAYMENTS ACT (NORTHERN IRELAND) 1966.

I, the Right Honourable Herbert Victor Kirk, Minister of Finance, in exercise of the powers conferred on me by section 3(2) of the Selective Employment Payments Act (Northern Ireland) 1966(a) (hereinafter referred to as "the Act") do hereby order as follows:—

1. This Order may be cited as the Selective Employment Payments (Continuation of Partial Refunds) Order (Northern Ireland) 1967.

2. In section 3(1) of the Act (which provides in certain cases for partial selective employment refunds to be made in respect of any contribution week ending before 3rd April 1967) the date 2nd October 1967 shall be substituted for the date 3rd April 1967.

Dated this 16th day of March 1967.

H. V. Kirk,
Minister of Finance for
Northern Ireland.

(a) 1966. c. 32 (N.I.).

*This Order was affirmed by a Resolution of the Senate on the 21st March 1967, and by a Resolution of the House of Commons on the 22nd March 1967.