

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the New Towns Act (Northern Ireland) 1965. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Sections 1, 4(1), 15(2), 28(3).

#### PROCEDURE WITH RESPECT TO ORDERS UNDER SECTION 1 AND MUNICIPAL FUNCTIONS ORDERS

##### PART I

###### PROVISIONS AS TO ORDERS UNDER SECTION 1

- 1 Where the Minister proposes to make an order under section 1, he shall with the concurrence of the Minister of Finance prepare a draft of the order—
- (a) describing the area to be designated as the site of the proposed new town by reference to a map, either with or without descriptive matter (which, in the case of any discrepancy with the map, shall prevail except in so far as may otherwise be provided by the draft order); and
  - (b) distinguishing any portion of that area as land that the Ministry proposes to acquire for the purposes of this Act.
- 2 There shall be attached to every draft order prepared under paragraph 1 a statement indicating the size and general character of the proposed new town.
- 3 When a draft order has been prepared under paragraph 1, the Minister shall, before making the order,—
- (a) cause a copy of the draft order and of the statement referred to in paragraph 2 to be laid before Parliament;
  - (b) deposit with the Clerk of the Parliaments a copy of any map prepared in pursuance of paragraph 1( a);
  - (c) publish in the Belfast Gazette, and in one or more than one newspaper circulating in the locality in which the proposed new town will be situated, a notice—
    - (i) describing the area to be designated as the site of the new town;
    - (ii) describing any portion of that area distinguished under paragraph 1( b);
    - (iii) stating that the draft of an order under section 1 has been prepared by the Minister in relation thereto, and has been laid before Parliament;
    - (iv) naming a place or places (including a place in the area referred to in head (i)) where a copy of the draft order (including any map or descriptive matter annexed thereto) and of the statement referred to in paragraph 2 may be inspected at all reasonable hours; and
  - (d) not later than the date on which the notice is published in the Belfast Gazette, serve a like notice on—
    - (i) <sup>[F1]</sup> the district council for each] district in which the land, or any part of the land, to which the order relates is situated; and

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- (ii) any other [<sup>F1</sup> district council] that appears to the Minister to be concerned with the order.

**F1** SRO (NI) 1973/285

- 4 As soon as may be after an order has been made under section 1, the Minister shall—
- (a) publish in the Belfast Gazette and in one or more than one newspaper circulating in the locality in which the proposed new town will be situated a notice—
- (i) stating that the order has been made, and
- (ii) naming a place or places (including a place in the area referred to in paragraph 3( c)(i)) where a copy of the order may be inspected at all reasonable hours; and
- (b) serve a like notice on any [<sup>F2</sup> district council] on whom notice of the proposed order was served under paragraph 3( d).

**F2** SRO (NI) 1973/285

*Para. 5 rep. by 1968 c. 33 (NI)*

## PART II

### PROVISIONS AS TO MUNICIPAL FUNCTIONS ORDERS

- 1 Where the Ministry proposes to make a municipal functions order it shall prepare a draft of the order, and shall, before making the order—
- (a) cause a copy of the draft order to be laid before Parliament; and
- (b) publish and serve, in like manner as is provided by paragraph 3( c) and ( d) of Part I with respect to an order proposed to be made by the Minister under section 1, a notice—
- (i) describing the area in relation to which it is proposed to direct that the new town commission shall exercise municipal functions;
- (ii) stating that the draft of a municipal functions order has been prepared by the Ministry in relation thereto, and has been laid before Parliament; and
- (iii) naming a place or places (including a place in the area referred to in head (i)) where a copy of the draft order may be inspected at all reasonable hours.
- 2 As soon as may be after a municipal functions order has been made the Ministry shall publish and serve notice thereof in like manner as is provided by paragraph 4 of Part I with respect to an order made by the Minister under section 1.
- 3 For the purposes of this Part—
- (a) paragraphs 3( c) and 4( a) of Part I shall have effect as if for the references therein to the locality in which the proposed new town will be situated, and for the reference in head (ii) of the said paragraph 4( a) to the area referred to in head (i) of the said paragraph 3( c), there were substituted references to the area referred to in paragraph 1( b)(i); and

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- (b) paragraph 4( *b*) of Part I shall have effect as if the reference therein to paragraph 3( *d*) of Part I were a reference to that paragraph as applied by paragraph 1( *b*).

## SCHEDULE 2

Section 4(3).

MODIFICATIONS OF SCHEDULE 5 TO THE ROADS ACT  
(NORTHERN IRELAND) 1948 FOR THE PURPOSES OF SECTION 4

- 1       References to the Ministry or to the authority shall be construed as references to the Ministry within the meaning of this Act.
- 2       References to the said Schedule 5 shall be construed as references to that Schedule as modified by this Schedule.
- 3       The expressions “land” and “estate” shall have the meanings respectively assigned to them by subsections (1)( *a*) and (2) of section 45 of the Interpretation Act (Northern Ireland) 1954 .
- 4       Paragraph 1 shall be omitted.
- 5       In paragraph 2—
- (a) sub-paragraph (1) shall be omitted;
- (b) in sub-paragraph (2), the reference to the said Act of 1948 shall be construed as a reference to this Act; and
- (c) in sub-paragraph (3), in head ( *c*), after the word “served” there shall be inserted the words “by post” .
- 6       In paragraph 3—
- (a) in sub-paragraph (1) the words “, where the authority is a local authority,” shall be omitted; and, for the words “(if it appears to the Ministry necessary so to do)” there shall be substituted the words “(unless no objections have been received, or any objections received have been met or withdrawn or relate solely to any matter which is excluded from consideration in an inquiry by virtue of section 4(4) of the New Towns Act (Northern Ireland) 1965).”
- (b) in sub-paragraph (2), the words from the words “, and, in particular” to the end thereof shall be omitted.
- 7       In paragraph 4( *b*), the two references to the said Act of 1948 shall be construed as references to this Act.
- 8       In paragraph 5—
- (a) in the first sub-paragraph, the words from the beginning of head ( *a*) to the words “is the Ministry,” in head ( *b*), the words “, as the context requires,” , and the words from “or any other” to the end of the sub-paragraph, shall be omitted; and
- (b) in the second sub-paragraph, for the words from “be the date” to the end, there shall be substituted the words “be either the date on which the vesting order becomes operative or the date of the lodgment of the vesting order with the registering authority under the said Act, whichever is the later.”
- 9       In paragraph 10, the words from the beginning of head ( *a*) to the words “is the Ministry,” in head ( *b*) shall be omitted.

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- 10 For the purposes of a vesting order in respect of an estate in land, being an estate less than a fee simple, the said Schedule 5 shall have effect with such modifications as may be necessary to enable such an estate to be acquired by means of the vesting order and to enable compensation in respect thereof to be duly paid or discharged and (without prejudice to the generality of the foregoing provisions) shall have effect as if for the first sub-paragraph of paragraph 5 there were substituted the following sub-paragraph—

“A vesting order shall operate, without further assurance, to vest in the Ministry, as from the date on which the vesting order becomes operative (in this Schedule referred to as “the date of vesting” ), all such estates in, to or over the land to which the order relates as are specified in the order, freed and discharged from all the estates of any other person whomsoever therein save only as may be expressly excepted in the order, and the rights and claims of any such other person in respect of an estate so vested shall, as from the date of vesting, be transferred and attached, to the extent to which compensation may be payable in accordance with the provisions of this Schedule, to the Consolidated Fund (in this Schedule referred to as “the compensation fund” ) and shall be discharged by payments made by the Ministry.”; and for the purposes of this paragraph the interest of a grantee under a fee farm grant shall be deemed to be a lesser estate than a fee simple.

*Schedule 3 rep. by 1971 c. 23 (NI); 1972 NI 17*

## SCHEDULE 4

Section 7(2)

### NEW TOWN COMMISSIONS

#### *Constitution*

- 1 A new town commission (in this Schedule referred to as “the commission” ) shall be a body corporate by the name specified in the order establishing the commission.
- 2 Section 19 of the Interpretation Act (Northern Ireland) 1954 shall apply to the commission, but not so as to enable the commission either to acquire any land otherwise than in accordance with the provisions of section 15 <sup>[F3]</sup> or to dispose of any land otherwise than in accordance with the provisions of section 16].

<b>F3</b> 1981 NI 13
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- 3 The commission shall consist of not more than nine or less than five members appointed by the Minister, and, subject to paragraphs 5 and 6, they shall hold office for such period as the Minister may determine.
- 4 The Minister shall appoint one of the members of the commission to be Chairman of the commission, and may appoint a further member to be Vice-Chairman of the commission.

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5 A member of the commission, the Chairman or Vice-Chairman may, by notice in writing under his hand given to the Minister, resign either his office as member, Chairman or Vice-Chairman or his offices as member and Chairman or member and Vice-Chairman.

6 Where the Minister is satisfied that a member of the commission—  
(a) has been adjudged bankrupt or made a composition or arrangement with his creditors; or  
(b) is incapacitated by physical or mental illness; or  
(c) has been absent from meetings of the commission for a period longer than two consecutive months without the permission of the commission; or  
(d) is otherwise unable or unfit to discharge the functions of a member or is unsuitable to continue as a member,

the Minister may remove him from his office as a member of the commission.

7 If the Chairman or Vice-Chairman ceases to be a member of the commission he shall also cease to be Chairman, or as the case may be, Vice-Chairman.

8 A person who ceases to be a member of the commission or to be Chairman or Vice-Chairman shall be eligible for re-appointment.

#### *Remuneration*

9 The commission shall pay to persons holding the office of Chairman, Vice-Chairman or member of the commission such remuneration, if any, in respect of any such office and such allowances in respect of expenses properly incurred in the performance of their duties as may be determined by the Ministry with the approval of the Ministry of Finance.

#### *Proceedings*

10 The Ministry may give directions to the commission as to their quorum and proceedings, and the right of the commission under section 19(1)( a)(v) of the Interpretation Act (Northern Ireland) 1954 to regulate their own procedure and business shall be exercised in accordance with such directions, if any.

11 The validity of the proceedings of the commission shall not be affected by any vacancy among their members or by any defect in the appointment of any of their members.

#### *Officers and Servants*

12 The commission—  
(a) shall, with the approval of the Ministry, appoint a general manager on such conditions as to remuneration or otherwise as the Ministry with the approval of the Ministry of Finance may determine; and  
(b) may with the approval of the Ministry appoint such other principal officers as the commission may determine, on such conditions as to remuneration or otherwise as the Ministry may direct; and  
(c) may, in accordance with any authorisation which the Ministry may give in writing, appoint such other officers and servants as the commission think fit.

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*Instruments and Contracts*

- 13 The fixing of the seal of the commission shall be authenticated by the signature of—
- (a) the Chairman; or
  - (b) another member authorised either generally or specially by the commission to act for that purpose; or
  - (c) the general manager if authorised either generally or specially by the commission to act for that purpose.
- 14 Any contract or instrument which if made or executed by a person not being a body corporate would not be required to be under seal may, if the subject matter thereof does not exceed [<sup>F4</sup> [<sup>F5</sup> [<sup>F6</sup> £15,000] in value] or such larger value as the Department may by order made subject to negative resolution determine], be made or executed on behalf of the commission by any person generally or specially authorised by them to act for that purpose.

<b>F4</b>	1976 NI 21
<b>F5</b>	SR 1980/283
<b>F6</b>	SR 1991/242

SCHEDULE 5

Section 15(4).

MODIFICATIONS OF SECTION 22(2) OF AND SCHEDULE  
 2 TO THE LOCAL GOVERNMENT ACT (NORTHERN  
 IRELAND) 1934 FOR THE PURPOSES OF SECTION 15

- 1 References to a vesting order made under section 22 of the Local Government Act (Northern Ireland) 1934 or to the powers conferred by that section shall be construed as references, as the case may be, to a vesting order made under, or the powers conferred by, section 15.
- 2 References to the local authority shall be construed as references to the new town commission.
- 3 References to the Ministry within the meaning of that Act shall be construed as references to the Ministry within the meaning of this Act.
- 4 Subject to paragraph 1, references to the said section 22 or to Schedule 2 to the said Act of 1934 shall be construed as references to that section or, as the case may be, that Schedule as applied and modified by this Schedule.
- 5 In the first paragraph of article 6 of the said Schedule 2, the reference to the rate or fund out of which the expenses of the local authority in acquiring the land are to be defrayed shall be construed as a reference to such fund of the new town commission as the Ministry may designate as the fund out of which the expenses of the new town commission in acquiring the land are to be defrayed.
- 6 In article 11(1) of that Schedule, the reference to the clerk of the local authority shall be construed as a reference to the general manager of the new town commission.
- 7 In article 27 of that Schedule, the reference to the area of the local authority shall be construed as a reference to the locality where the land is situated.

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- 8 In article 28 of that Schedule, for the definition of “land” there shall be substituted the definition contained in section 45(1)( *a* ) of the Interpretation Act (Northern Ireland) 1954 .
- 9 In that Schedule, “estate” shall have the meaning assigned to it by section 45(2) of the Interpretation Act (Northern Ireland) 1954.
- 10 Where under subsection (3) of section 15 an application is made to the Ministry for a vesting order in respect of an estate in land, being an estate less than a fee simple, or where under paragraph ( *b* ) of that subsection the Ministry makes such an order, the provisions of the said section 22(2) and Schedule 2 shall have effect with such modifications as may be necessary to enable that estate to be acquired by means of the vesting order and to enable compensation in respect thereof to be duly paid or discharged and (without prejudice to the generality of the foregoing provisions) shall have effect as if for the first paragraph of article 6 of the said Schedule 2 there were substituted the following paragraph—

“A vesting order shall operate, without further assurance, to vest in the new town commission, as from the date on which the vesting order becomes operative (in this Schedule referred to as “the date of vesting” ), all such estates in, to or over the land to which the vesting order relates as are specified in the vesting order, freed and discharged from all the estates of any other person whomsoever therein save only as may be expressly excepted in the vesting order, and the rights and claims of any such other person in respect of the estate so vested shall, as from the date of vesting, be transferred and attached, to the extent to which compensation may be payable in accordance with the provisions of this Schedule, to such fund of the new town commission as the Ministry may designate as the fund out of which the expenses of the new town commission in acquiring the land are to be defrayed (in this Schedule referred to as “the Compensation Fund” ), and shall be discharged by payments made out of the Compensation Fund.”.

## SCHEDULE 6

Sections 34(1), (2), 35(7).

### PROVISIONS CONSEQUENTIAL ON THE TRANSFER OF FUNCTIONS

#### *Definitions*

- 1 In this Schedule—
- “the date of transfer” means, in relation to any functions, the date on which those functions cease to be exercisable, or become exercisable or are transferred as respectively described in paragraphs ( *a* ), ( *b* ) and ( *c* ) of section 34(1);
  - “the order” means the municipal functions order or, as the case may be, the order under section 33, by virtue of which the functions cease to be exercisable by the transferor and become exercisable by the transferee;
  - “the transfer” means, in relation to any functions, the distribution of those functions as described in paragraph ( *a* ), ( *b* ) or ( *c* ) of section 34(1);
  - “the transferor” means the council [<sup>F7</sup>, the body corporate] or new town commission whose functions are transferred by virtue of the order;
  - “the transferee” means the new town commission or council or other person to whom functions are transferred by virtue of the order.

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**F7** SRO (NI) 1969/61

*Construction of transferred provisions*

- 2 In the construction and for the purposes of any transferred provision passed before the date of transfer, any reference to, or which is to be construed as a reference to, the transferor, shall, so far only as may be necessary for the purpose or in consequence of the transfer, be construed as a reference to the transferee.

*Transfer of property*

- 3 (1) All property, whether real or personal (including choses-in-action), which immediately before the date of transfer was vested in or belonged to or was held in trust for the transferor and all rights, powers and privileges relating to or connected with any such property shall on the date of transfer, without any conveyance or assignment, become and be vested in or the property of or held in trust for (as the case may require) the transferee for all the estate, term or interest for which the same immediately before the date of transfer was vested in or belonged to or was held in trust for the transferor, but subject to all trusts and equities affecting the same and then subsisting and capable of being performed.
- (2) All property transferred by this paragraph which, immediately before the date of transfer, was either standing in the books of any corporation or company or was entered in any register kept in pursuance of any transferred provision in the name of the transferor, shall, upon the request of the transferee made at any time after the date of transfer, be transferred in such books by such corporation or company or, as the case may be, by the person having charge of such register, into the name of the transferee.
- (3) After the date of transfer, every chose-in-action transferred by this paragraph from the transferor to the transferee may be sued upon, recovered or enforced by the transferee in their own name and it shall not be necessary for the transferee to give notice to the person bound by such chose-in-action of the transfer effected by this paragraph.

*Transfer of liabilities*

- 4 (1) Every debt and other liability (including stock and mortgage debts and also including unliquidated liabilities arising from torts or breaches of contract) which immediately before the date of transfer was owing and unpaid or had been or was deemed to have been incurred and was undischarged by the transferor shall, on the date of transfer, become and be the debt or liability of the transferee and shall be paid or discharged by and may be recovered from or enforced against the transferee accordingly.
- (2) The dissolution of the transferor shall not invalidate or affect any paying order that was issued by the transferor and had not been presented for payment before the date of transfer or any authority given by the transferor for the payment of the amount of such paying order, and the transferee shall make arrangements for the payment of the amount of every such paying order upon due presentation within a reasonable time after the date of transfer.

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*Preservation of continuing contracts*

- 5 Every bond, guarantee, or other security of a continuing character made or given or deemed to have been made or given by the transferor to another person or by any person to the transferor and in force immediately before the date of transfer and every contract or agreement in writing made or deemed to have been made between the transferor and another person and not fully executed and completed before the date of transfer shall, notwithstanding the dissolution of the transferor, continue in force after the date of transfer but shall be construed and have effect as if the name of the transferee were substituted therein for the name of the transferor, and such security, contract or agreement shall be enforceable by or against the transferee accordingly.

*Continuance of byelaws, rules and regulations*

- 6 Every byelaw, rule and regulation lawfully made or deemed to have been made by the transferor and in force immediately before the date of transfer shall, after the date of transfer and so far as it is not inconsistent with this Act or any order or regulations made thereunder, continue in force and have effect as a byelaw, rule or regulation (as the case may be) made on the date of transfer by the transferee for the residue then unexpired of the period and in respect of the area for and in respect of which the same was actually made or was deemed to have been made by the transferor, and accordingly every such byelaw, rule and regulation may be continued, varied or revoked, and penalties and forfeitures arising thereunder before or after the date of transfer may be recovered and enforced, by the transferee in the like manner and as fully as the same could have been continued, varied, revoked, recovered or enforced by the transferor if the order had not been made.

*Continuance of resolutions etc.*

- 7 Every resolution passed or deemed to have been passed, order made or deemed to have been made or notice served or deemed to have been served by the transferor before the date of transfer, the operation, effect or term of which had not ceased or expired before that date, shall, after the date of transfer and so far as it is not inconsistent with this Act or any order made thereunder, continue in force and have effect as if it were a resolution passed, order made, or notice served by the transferee on the date on which the same was actually or was deemed to have been passed, made or served, as the case may be, by the transferor and as if the functions of the transferor were, on the said date, performable by the transferee.

*Continuance of pending legal proceedings*

- 8 In every action, suit, prosecution or other proceeding which stood pending immediately before the date of transfer in any court or tribunal and to which the transferor was a party, the transferee shall on the date of transfer become and be a party in the place of the transferor and such proceeding shall be continued between the transferee and the other parties thereto accordingly, and no such proceeding shall abate or be discontinued or prejudicially affected by reason of the dissolution of the transferor.

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*Collection of rates*

- 9
- (1) All rates which immediately before the date of transfer were due and payable to the transferor shall on and after that date be due and payable to and may be collected and recovered by or on behalf of the transferee in like manner as they could have been collected or recovered by or on behalf of the transferor if the transfer had not taken place.
  - (2) All rates which immediately before the date of transfer were accruing due to the transferor shall on and after that date accrue and be deemed always to have accrued due to the transferee, and when any such rate becomes due and payable it shall be due and payable to, and may be collected and recovered by or on behalf of the transferee in like manner as it could have been collected or recovered by or on behalf of the transferor if the transfer had not taken place.
  - (3) Every person who was employed by the transferor as rate collector immediately before the date of transfer shall, on and after that date, unless or until the transferee otherwise directs, collect and recover on behalf of the transferee all rates which immediately before the date of transfer were due and payable to, or were accruing due to the transferor and had been given in charge to him for collection.

*Admissibility in evidence of books*

- 10
- (1) All books and other documents directed or authorised by or under any transferred provision to be kept by the transferor and which, immediately before the date of transfer, would be receivable in evidence shall, notwithstanding the dissolution of the transferor, be admitted in evidence after the date of transfer as fully as if the order had not been made.
  - (2) Whenever an extract from or certificate of the contents of any book or other document directed or authorised by or under any transferred provision to be kept by the transferor would, if verified in a particular manner by a particular officer of the transferor, have been admissible immediately before the date of transfer as evidence of such contents, an extract from or certificate of the contents of such book or document shall, if verified in such particular manner by the officer of the transferee corresponding to such particular officer, be admitted, after the date of transfer, as evidence of such contents to the same extent as such first-mentioned extract or certificate would have been so admitted if the order had not been made.

*Audit of accounts*

- 11
- (1) The accounts of all receipts and payments of the transferor and of committees thereof and of the respective officers of the transferor and such committees up to the date of transfer shall, as soon as conveniently may be after that date, 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 the order had not been made.
  - (2) Every officer of the transferor or of 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 transferor and also every member of the transferor or of any such committee shall, until the audit of the accounts of such receipts and payments up to the date of transfer is complete, be deemed for the purposes of such audit to continue in office and be bound to perform the same duties and render the same account and be subject to the same liabilities as if the order had not been made.

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