

1973. No. 341

LOCAL GOVERNMENT**Local Government (Modifications and Repeals) (No. 2) Order
(Northern Ireland) 1973***Made* 14th September 1973*Coming into operation* 1st October 1973*To be laid before the Parliament of the United Kingdom
under paragraph 4(5)(b) of the Schedule to the Northern
Ireland (Temporary Provisions) Act 1972.*

The Ministry of Home Affairs, on behalf of the Secretary of State and in exercise of the powers conferred on it by section 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:—

1. This Order may be cited as the Local Government (Modifications and Repeals) (No. 2) Order (Northern Ireland) 1973 and shall come into operation on 1st October 1973.

2. The transferred provisions mentioned in columns 1 to 3 of the Schedule shall have effect subject to the modifications and repeals specified in column 4.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 14th day of September 1973.

(L.S.)

W. A. Willis,
Assistant Secretary.

(a) 1972. c. 9 (N.I.).

SCHEDULE
Modifications and repeals

Column 1 <i>Chapter or number</i>	Column 2 <i>Act</i>	Column 3 <i>Relevant provision</i>	Column 4 <i>Modification or repeal</i>
38 & 39 Vict. c. 17	Explosives Act 1875	Section 6	For the words from "or may approve" onwards substitute "may grant a licence in terms of the draft with or without modification or addition".
		Sections 7, 8, 15, 18, 21, 26, 28, 29, 46(5), 47(5), 48, 49, 85 and 119	For any reference to a local authority substitute a reference to the Ministry of Home Affairs.
		Section 7	<p>In the first paragraph for the words from "upon application" to "proposed site" substitute "before a licence is granted".</p> <p>The words "the clerk of" are repealed.</p> <p>In the third paragraph the words "of any urban sanitary authority, or" and the words "if they are not the local authority" are repealed.</p> <p>In the fifth paragraph for the words "made to them" substitute "has been made".</p> <p>The sixth paragraph, beginning with the words "The place so fixed" is repealed.</p> <p>The final paragraph beginning with the words "Where the site" is repealed.</p>
		Section 8	The first two paragraphs, from the words "If on the hearing" to the words "by the local authority" are repealed.
		Section 14	In the final paragraph proviso (1) is repealed.

Column 1 <i>Chapter or number</i>	Column 2 <i>Act</i>	Column 3 <i>Relevant provision</i>	Column 4 <i>Modification or repeal</i>
38 & 39. Vict. c. 17	Explosives Act 1875 (<i>contd.</i>)	Section 20	In the final paragraph for the words "local authority" substitute "Ministry of Home Affairs".
		Section 26	The final paragraph is repealed.
		Section 28	The second paragraph is repealed. In the third paragraph the words from "within the area" to "under this Act" and the words from "and a Government Inspector" to "of this Act" and the words from "and the clerk" onwards are repealed.
		Section 38	For the words "local authorities" substitute "district councils" and for the words "local authority" substitute "district council".
		Sections 69, 72, 73, 74, 75, 76, 87 and 103	For any reference to a local authority substitute a reference to a harbour authority.
		Section 72	In the first paragraph the words "other than justices in petty sessions" and the words "by such authority, either" and the words "or without" and the words from "within their jurisdiction" to "out of their jurisdiction" are repealed.
			The six paragraphs from the words "Where the magazine" at the beginning of the second paragraph to the words "right over land", at the end of the seventh paragraph are repealed.
		Section 78	The words "or an officer of the local authority" are repealed.
		Section 85	The final paragraph is repealed.

Column 1 <i>Chapter or number</i>	Column 2 <i>Act</i>	Column 3 <i>Relevant provision</i>	Column 4 <i>Modification or repeal</i>
38 & 39 Vict. c. 17	Explosives Act 1875 (<i>contd.</i>)	Section 103	For the words "or of any council of a borough, or any urban sanitary authority" substitute "district council".
		Section 108	In the definition of "store" the words "by a local authority" are repealed.
		Sections 116, 117 and 118	Repealed.
		Section 120	The definition of "borough" is repealed.
Order in Council No. 2, 1875		The whole Order	For any reference to a local authority substitute a reference to the Ministry of Home Affairs.
Order in Council No. 4, 1875		The whole Order	For any reference to a local authority substitute a reference to the Ministry of Home Affairs.
9 Edw. 7 c. 30	Cinematograph Act 1909	Sections 2, 3, 4, 7 and 9(3)	For the word "county" where it appears substitute the word "district".
		Section 6	Repealed.
		Section 9	Sub-sections 9(4), 9(5) and 9(6) are repealed.
12 & 13 Geo. 5 c. 20 (N.I.)	Uniformity of Laws Act (Northern Ireland) 1922	Fifth Schedule	
		Celluloid and Cinematograph Film Act 1922	
		Sections 1(1), (2) and (3), 4(1) and (3), 5 and 6	For any reference to a local authority substitute a reference to a district council.
		Section 4	Sub-section (2) is repealed.
		Section 9	The definition of "local authority" is repealed.
14 & 15 Geo. 5 c. 7 (N.I.)	Char-a-banc Regulation Act (Northern Ireland) 1924	Sections 2, 3, 4 and 5	For any reference to a local authority substitute a reference to a district council.

Column 1 <i>Chapter or number</i>	Column 2 <i>Act</i>	Column 3 <i>Relevant provision</i>	Column 4 <i>Modification or repeal</i>
14 & 15 Geo. 5 c. 7 (N.I.)	Char-a-banc Regulation Act (Northern Ireland) 1924 (contd.)	Section 6	In sub-paragraph (1) the definition of "local author- ity" is repealed. The definition of "district" is repealed.
15 & 16 Geo. 5 c. 8 (N.I.)	Pharmacy and Poisons Act (Northern Ireland) 1925	Section 25	For the words "sanitary authorities" substitute "dis- trict councils".
20 Geo. 5 c. 9 (N.I.)	Street Trading (Regulation) Act (Northern Ireland) 1929	Section 1 Sections 2, 3, 4, 5, 6, 7, 10 and 13 Sections 11 and 12	In sub-section (1) for the words from "an urban dis- trict (other than a county borough)" to "referred to as "the district"" substitute "a district". The words "or commission- ers" and the words "(in this Act referred to as "the local authority")" are repealed. In sub-section (3) the words "which is maintained by the local authority" are repealed. For any reference to a local authority substitute a refer- ence to a district council. Repealed.
20 Geo. 5 c. 13 (N.I.)	Petroleum (Consolidation) Act (Northern Ireland) 1929	Section 2	In sub-section (1) the words "county, county borough or urban" are repealed. Paragraph (i) of the proviso to sub-section (1) is re- pealed.
2 Geo. 6 c. 26 (N.I.)	Air Raid Precautions Act (Northern Ireland) 1938	Section 12	For the words "local author- ity" substitute the words "district council".
2 & 3 Geo. 6 c. 15 (N.I.)	Civil Defence Act (Northern Ireland) 1939	The whole Act Section 7	For any reference to a local authority substitute a refer- ence to a district council. Sub-section (2) is repealed.

Column 1 <i>Chapter or number</i>	Column 2 <i>Act</i>	Column 3 <i>Relevant provision</i>	Column 4 <i>Modification or repeal</i>
2 & 3 Geo. 6 c. 15 (N.I.)	Civil Defence Act (Northern Ireland) 1939 (contd.)	Sections 9, 23 and 29 Section 49	Repealed. Sub-section (7) is repealed.
1945 c. 9	Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945	Sections 26 A(3), 27(1)(b), 29(5)(b), 30(1) to (7), 32(1)(b), 36(2) and (3) Section 29 Section 30	For any reference to a local authority substitute a refer- ence to a district council. In sub-section (5)(b), the words from "whether a local authority" to "or not" are repealed. In sub-section (1) for the word "area" substitute "dis- trict". The following sub-section is substituted for sub-section (8)— " (8) For the purposes of this section the district council shall be the council of the district in which the applicant in- tends to carry on the business of selling poisons to which this section applies."
1946 c. 7	Shops Act (Northern Ireland) 1946	The whole Act Section 35 Section 41	For any reference to a local authority substitute a refer- ence to a district council and for any reference to the area of a local authority substitute a reference to the district of a district council. Sub-sections (2) and (3) are repealed. In sub-section (1) the defi- nition of "local authority" is repealed.
1950 c. 11	Civil Defence Act (Northern Ireland) 1950	Section 6	In sub-section (2) the words "the provisions of the next two succeeding sub-sections and of" are repealed.

Column 1 <i>Chapter or number</i>	Column 2 <i>Act</i>	Column 3 <i>Relevant provision</i>	Column 4 <i>Modification or repeal</i>
1950 c. 17	Road Races Act (Northern Ireland) 1950 (contd.)	Section 2 (contd.)	In sub-section (3) for the words from "The council may" to "by them of" substitute "On the application of any promoters or, where Lisburn District Council intend themselves to promote motor races, on the application of Lisburn District Council, the Ministry of Development may make".
		Section 3	For the words "the Council" in the four places they occur substitute "Lisburn District Council".
		Section 5	In sub-section (1) for the words "road authority or road authorities concerned" substitute "Ministry of Development". In sub-section (2) for the words "Council of the County of Antrim" substitute "Ministry of Development".
		Section 7	In sub-section (1) for the words "a road authority" where they twice occur and the words "the road authority" substitute "the Ministry of Development".
		Section 9	In sub-section (2) for the words "the Council of the County of Antrim" substitute "Lisburn District Council". In the definition of "authorised person" for paragraphs (a) and (b) substitute "by the promoters". The definition of "road authority" is repealed. In the definition of "the Dundrod Circuit" for the words "said Council" substitute "Ministry of Development".

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1970 c. 2 (N.I.)	Road Traffic Act (Northern Ireland) 1970 (contd.)	Section 75	In sub-section (2)(a) before the word council where it twice occurs add the word "district".
		Section 103	For the words "a local road authority" and "that authority" substitute "Ministry of Development".
		Section 178	In sub-sections (1) and (2) for the words "a local authority" substitute "the Ministry".
		Section 185	In sub-section (3) for the words "have effect as if" substitute "apply to" and for the words "were a road authority" substitute "as they apply to the Ministry of Development".
		Section 189	Sub-section (5) is repealed.

EXPLANATORY NOTE

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

This Order provides for modifications and repeals of certain transferred provisions consequential on the Local Government Act (Northern Ireland) 1972 and the Local Government (Transfer of Functions) Order (Northern Ireland) 1973.