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Provisions
consequential on
boundary
alteration.

34.—(1) in this section—

“authority concerned” means a local authority whose boundary is affected by a primary order;

“primary order” means an order under *subsection (1) or (3) of section 31*;

“relevant area” means the portion of the functional area of one local authority (or any part of that portion) which by virtue of a primary order becomes part of the functional area of another local authority;

“supplementary order” means an order made under *subsection (2)*.

(2) The Minister or any other Minister of the Government, with the consent of the Minister, may by order make such provision as he considers necessary or expedient in relation to any matter whatsoever arising from, in consequence of, or otherwise related to, the boundary alteration effected by a primary order and any provision so made shall, notwithstanding the provisions of any other enactment, apply and have effect accordingly.

(3) A supplementary order made by a Minister of the Government, other than the Minister, may only make provision with respect to matters in relation to which functions stand conferred on that Minister of the Government.


(4) A supplementary order may, if the order so provides, have retrospective effect.

(5) Without prejudice to the generality of *subsection (2)*, a supplementary order may make provision for all or any of the following matters—

- (a) the functions of any authority concerned in relation to a relevant area,
- (b) the inclusion of a relevant area, in any local electoral area or any administrative or geographical district or other division used for any purpose of public administration,
- (c) the application or non-application of any enactment to a relevant area

- (d) the continuance of legal proceedings commenced by or against any authority concerned before the making of the primary order concerned where such proceedings relate to any matter, right, duty or liability arising, accrued or incurred in, or relating to, any relevant area,
- (e) such modifications, adaptation or amendment of any enactment as may be necessary for the purposes of the primary order,
- (f) subject to *subsection (8)*, an adjustment between any authorities concerned (which may include provision for the payment of money, by a single payment or in two or more instalments, by one or more authorities concerned to any other authority or authorities concerned) in relation to all or any of the following:
- (i) any net loss of revenue, actual or prospective, which is or may be incurred by any authority concerned in consequence of the primary order,
 - (ii) property whether real or personal (including choses-in-action), vested in or belonging to or held in trust for any authority concerned and wholly or partly situate in or relating to any relevant area,
 - (iii) debts (including mortgage debts), charges created by statute and other liabilities (including unliquidated amounts, unliquidated damages arising from torts or breaches of contract and accruing or prospective liabilities), due and unpaid, or incurred and undischarged, and relating wholly or in part to any relevant area,
 - (iv) agreements or arrangements between any authorities concerned with respect to financial matters,
 - (v) alteration for specified purposes in the areas of charge provided for in section 10 of the Local Government Act, 1946,
 - (vi) rates and charges due and payable or accruing due,
 - (vii) the assessment and levying of rates and charges in any relevant area (including the temporary reduction of valuations and the making of abatements),
- and for giving effect to any matter referred to in *subparagraph (v), (vi) or (vii)*,



- (g) the transfer of officers or servants of an authority or authorities concerned to any other authority or authorities concerned,
 - (h) the enabling of provision to be made in respect of any matter referred to in *paragraph (f)* (where provision in respect thereof is not otherwise made by a supplementary order) by agreement between the authorities concerned or in the event of a failure by the authorities concerned to reach agreement, in such manner as may be specified in the order,
 - (i) the preparation of official maps showing the boundary of any relevant area and the evidential value of such maps,
 - (j) transitional matters relating to any development plan (within the meaning of the Local Government (Planning and Development) Acts, 1963 to 1990) insofar as it relates to any relevant area,
 - (k) the continuance of any thing done, or treated by virtue of any enactment as having been done, by, to or in relation to, any authority concerned in relation to any relevant area,
 - (l) the register of electors and polling districts to be used at any election of councillors for any local electoral area,
 - (m) the continuance in office of members of any authority concerned,
 - (n) the alteration of the number of members of the council of a county or the council of a county borough consequent upon the making of a primary order,
 - (o) any other matter which appears to be necessary or proper for bringing into operation and giving full effect to the primary order.
- (6) In *subsection (5) (k)* "thing" includes the following—
- (i) any written agreement or other instrument in writing or any determination or declaration made by, or on behalf of, or treated as having been made by or on behalf of any authority concerned,
 - (ii) any direction given, or treated as having been given, by or to any authority concerned,
 - (iii) any licence, certificate, permission, consent, approval, exemption or relaxation granted or given, or treated as having been granted or given, by or to any authority concerned,
 - (iv) any application, proposal or objection made, or treated as having been made, by or to any authority concerned, 

(v) any condition or requirement imposed, or treated as having been imposed, by or on an authority concerned.

(7) An adjustment under *paragraph (f)* of *subsection (5)* or an agreement under *paragraph (h)* of that subsection may include—

(a) in the case of property referred to in *subparagraph (ii)* of the said *paragraph (f)*, provision for the retention of the property by any authority concerned or for the transfer thereof to another authority concerned or for the joint user of such property by two or more authorities concerned, and

(b) in the case of a debt or other liability referred to in *subparagraph (iii)* of the said paragraph, provision for the whole of such debt or liability being borne by any authority concerned or for the apportionment of the liability between two or more authorities concerned.

(8) A supplementary order may not, as respects local authorities of a prescribed class or classes, make provision for such matters specified in *subsection (5) (f)* as may be prescribed.

(9) Where a boundary alteration is effected by a primary order, any reference in any enactment to a county, county or other borough, committee district, urban district or town, whether to such areas generally or to any particular such area, shall, subject to any provision to the contrary in a supplementary order and unless the context otherwise requires, be construed as a reference to the area of such county, county or other borough, committee district, urban district or town as so altered.

