

LOCAL GOVERNMENT (NUMBERS AND ADDRESSES OF BUILDINGS IN TOWNLANDS) BILL

EXPLANATORY AND FINANCIAL MEMORANDUM

INTRODUCTION

1. This Explanatory and Financial Memorandum has been prepared on behalf of Mr Phil Flanagan MLA (“the Member”) in order to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Assembly.
2. The Memorandum should be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill, so where a clause or part of a clause or schedule does not seem to require an explanation or comment, none is given.

BACKGROUND AND POLICY OBJECTIVES

3. Currently, townlands are not recognised in legislation and there is no provision for the numbering of individual properties within them. The cultural and historical significance of townland names has been recognised by various government departments in recent years. Land and Property Services have developed an address database (Pointer) of townland names which can be accessed by Government Departments and Local Councils.
4. The current legislation on street naming and numbering does not provide councils with the option of prioritising and numbering individual houses within townlands. Councils currently have the power to number individual properties against street names.
5. The Member, Mr Phil Flanagan, believes that unless townlands can be used as a principal part of addresses they will eventually be lost. This Bill will ensure that councils can, if they wish, number individual properties in townlands and this usage will ensure their preservation.
6. The purpose of this Bill is to amend Article 11 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995. The amendment would provide councils with the option of numbering individual properties within townlands instead of roads or streets. The amendment would allow the townland name to be placed first in the address and become the principal part of the address.

7. If a council chooses to prioritise the townland name it shall have regard to any guidance issued by the Department of Finance & Personnel.
8. The Bill will also place a duty on the Department, as far as is reasonably practicable, to use the address format which numbers individual properties within the townland as the principal part of the address if a council chooses this option.

CONSULTATION

9. The Member carried out a consultation exercise on the policy behind the Bill. The consultation was issued on 11 September 2012 with a deadline for responses on 31 October 2012.
10. Over 80 responses to the consultation were received including responses from individuals, groups, political parties and local councils. The majority of the responses were supportive of the proposed change.

OPTIONS CONSIDERED

11. In developing this legislation, the Member considered the following options:

Option 1 – to retain the present legislation on the numbering and addressing of buildings as set out in Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995.

Option 2 – to amend the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995 to provide an option for councils to prioritise and number individual properties within townlands.

Having considered the consultation responses the Member believes that option 2 provides councils with an additional option on address formatting which can maximize the preservation of townland names and he proceeded with that option.

OVERVIEW

12. The Bill consists of 4 clauses. A commentary on the provisions follows below. Comments are not given where the wording is self-explanatory.

COMMENTARY ON CLAUSES

Clause 1: Numbering of buildings by councils

Clause 1 amends Article 11 (Powers of councils in relation to street names and numbering of buildings) of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995 (“the 1995 Order”).

Clause 1(2) confers powers on councils to erect nameplates in townlands as well as streets, and allows that such a nameplate may refer to the townland name.

Clause 1(3) grants councils a new power (paragraph (1A)) to number buildings as they think fit and provides that such numbering may relate to a street or townland, provided that in doing so a council must have regard to any Departmental guidance (paragraph (1B)).

Clauses 1(4) to (9) make consequential changes to Article 11 to reflect the powers of councils relating to numbering on a townland as well as a street basis.

Clause 2: Role of the Department

Clause 2 introduces a new Article 11A and 11B of the 1995 Order which set out the role of the Department of Finance and Personnel in the numbering of buildings under Article 11 as amended. It also makes a consequential amendment to the definition of “Department” in the 1995 Order.

Article 11A (Guidance relating to numbering of buildings in townlands) confers on the Department an explicit power to issue guidance relating to the allocation by councils of numbers to buildings in townlands.

Where a council has elected to number buildings on a townland basis, Article 11B (Duty of the Department relating to the use of townlands in addresses) requires the Department, so far as reasonably practicable, to use an address format which places the building number and townland name ahead of the street name when exercising its land and property functions in relation to any such building and when providing to third parties information about the address of such a building.

Clause 3: Short title

Clause 3 provides the short title of the Bill.

Clause 4: Commencement

Clause 4 provides that the provisions of the Act which make the relevant amendment to the definition of “Department” and confer on the Department the power to issue guidance come into operation on the day after it receives Royal Assent. The remaining provisions of the Act come into operation six months after it receives Royal Assent.

FINANCIAL EFFECTS OF THE BILL

13. The Bill proposes to amend the existing system of numbering and addressing buildings contained in the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995 to add the option for councils to number individual properties within townlands instead of roads or streets. This change can be facilitated by the existing address database (POINTER) system used by Land & Property Service.

The Member acknowledges that costs may be incurred in ensuring that the POINTER system can, if required, prioritise the townland name. Also there may be administrative costs, particularly initially, in facilitating the option. Councils may incur some costs in erecting signage in townlands. However, the Member does not believe that there will be significant financial implications arising from the implementation of the Bill, which will use the existing address database (POINTER) system.

HUMAN RIGHTS ISSUES

14. The Member believes that the provisions of the Bill are compatible with the European Convention on Human Rights.

LEGISLATIVE COMPETENCE

15. The Member in charge of the Bill, Mr Phil Flanagan, had made the following statement under Standing Order 30:

“In my view the Local Government (Numbers and Addresses of Buildings in Townlands) Bill would be within the legislative competence of the Northern Ireland Assembly.”