



# Local Government Act (Northern Ireland) 1972

## 1972 CHAPTER 9

### PART II

#### MEMBERS, MEETINGS AND PROCEDURE

##### PECUNIARY INTERESTS

#### **28 Disclosure of councillors' pecuniary interests and disability from voting on account thereof.**

<sup>F1</sup>(1) Except as provided by section 29 and subject to subsection (2), it shall be the duty of every councillor who has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter and is present at any meeting of the council at which that contract, proposed contract or other matter is, or is to be, considered to disclose openly to the meeting and as soon as practicable after the commencement thereof the nature of his interest and—

- (a) not to preside over or take any part in the consideration or discussion of, or to vote on any question with respect to, that contract, proposed contract, or other matter; and
- (b) unless the contract, proposed contract or other matter is under consideration by the council merely as part of a report of a committee or sub-committee thereof and does not itself become the subject of separate debate, to withdraw from the meeting while that matter is being considered.

(2) Where the councillor in question is treated as having a pecuniary interest by reason only of his beneficial ownership of shares in a company or other body to which section 146(1)(b) applies and the total nominal value of those shares does not exceed the lesser of—

- (a) five hundred pounds; or
- (b) one-hundredth of the total nominal value of either the issued share capital of the company or body or, where that capital is issued in shares of more than

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one class, of the issued share capital of the class or classes of shares in which he has an interest;

subsection (1) shall not have effect in relation to that pecuniary interest.

- (3) It shall be the duty of every council to record in the minutes of a meeting particulars of any disclosure made to that meeting under subsection (1) and of any subsequent withdrawal from the meeting pursuant to that subsection.
- (4) In addition, the clerk of the council shall enter in a separate book to be kept by him for the purpose, a record of every such disclosure or withdrawal and of every disclosure or withdrawal required to be made under section 30 or 46 and that book shall be available at all reasonable hours for inspection by any councillor or<sup>F2</sup> by any person].
- (5) Subject to subsection (6) and without prejudice to section 31, any person who acts in contravention of subsection (1) shall be guilty of an offence and shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding one year or to a fine or to both; or
  - (b) on summary conviction, to a fine not exceeding<sup>F3</sup> level 3 on the standard scale].
- (6) It shall be a defence for the person charged with an offence under subsection (5) to prove that at the time of the offence—
- (a) he did not know and had no reason to believe that the contract, proposed contract or other matter in which he had a pecuniary interest was being considered at the meeting; or
  - (b) that he believed, in good faith and upon reasonable grounds, that he had no pecuniary interest which he would be required to disclose under subsection (1).
- (7) A prosecution for an offence under this section shall not be instituted except by or with the consent of the Attorney-General, and the bringing of, or the failure to bring, such a prosecution shall not affect any proceedings instituted by the Attorney-General under section 31 with respect to any transaction to which that section applies.
- (8) A reference in this section to a person being a councillor shall include a reference to his sitting or voting or otherwise acting as a councillor.

**F1** 1965 c.13 (NI), 1970 c.9 (NI), 1972 NI 14, 1981 NI 3

**F2** 1998 c. 32

**F3** 1984 NI 3

**Modifications etc. (not altering text)**

- C1** S. 28 applied (with modifications) (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 7(2), 34(3), **Sch. 1 para. 11(1)** (with Sch. 1 para. 11(2)); S.R. 2009/114, **art. 2**
- C2** S. 28 applied (with modifications) (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 7(2), 34(3), **Sch. 2 para. 11(1)** (with Sch. 2 para. 11(2)); S.R. 2009/114, **art. 2**
- C3** Ss. 28-33 applied (with modifications) (1.4.2012) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\)](#), s. 111(3), **Sch. 2 para. 20** (with s. 106(4)); S.R. 2012/142, **art. 2(a)**
- C4** Ss. 28-33 applied (with modifications) (1.4.2012) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\)](#), s. 111(3), **Sch. 1 para. 20** (with s. 106(4)); S.R. 2012/142, **art. 2(a)**
- C5** S. 28(4) modified (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 7(2), 34(3), **Sch. 1 para. 11(1)(b)**; S.R. 2009/114, **art. 2**

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**C6** S. 28(4) modified (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 7(2), 34(3), **Sch. 2 para. 11(1)(b)**; S.R. 2009/114, **art. 2**

**Changes to legislation:**

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