



Local Government (Best Value) Act (Northern Ireland) 2002

2002 CHAPTER 4

An Act to make provision placing on district councils a general duty to make arrangements for continuous improvement in the way in which their functions are exercised; and for connected purposes. [26th March 2002]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Best value

1.—(1) A council shall make arrangements for continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

(2) For the purpose of deciding how to carry out its duty under subsection (1), a council shall consult persons appearing to the council to be representative of—

- (a) persons liable to pay rates in respect of hereditaments in the district of the council;
- (b) persons who use or are likely to use services provided by the council; and
- (c) persons appearing to the council to have an interest in the district of the council.

Contracts: exclusion of non-commercial considerations

2.—(1) The Department may by order provide, in relation to councils, for a specified matter to cease to be a non-commercial matter for the purposes of Article 19 of the [Local Government \(Miscellaneous Provisions\) \(Northern Ireland\) Order 1992 \(NI 6\)](#) (council contracts: exclusion of non-commercial considerations).

(2) An order under this section may—

- (a) provide for a matter to cease to be a non-commercial matter for specified purposes or to a specified extent;
- (b) apply in relation to specified councils, functions or contracts;
- (c) amend a statutory provision;
- (d) include supplementary, incidental, consequential and transitional provisions.

(3) In exercising a function regulated by Article 19 of the [Local Government \(Miscellaneous Provisions\) \(Northern Ireland\) Order 1992 \(NI 6\)](#) with reference to a matter which is the subject of an order under this section a council shall have regard to any guidance issued by the Department.

(4) No order shall be made under this section unless a draft of the order has been laid before, and approved by resolution of, the Assembly.

Power to modify statutory provisions and confer new powers

3.—(1) If the Department thinks that a statutory provision prevents or obstructs compliance by councils with the duty under section 1(1), the Department may by order make provision modifying or excluding the application of the provision in relation to councils.

(2) The Department may by order make provision conferring on councils any power which the Department considers necessary or expedient to permit or facilitate compliance with the duty under section 1(1).

(3) In exercising a power conferred under subsection (2) a council shall have regard to any guidance issued by the Department.

(4) An order under this section may—

- (a) impose conditions on the exercise of any power conferred by the order (including conditions about consultation or approval);
- (b) amend a statutory provision;
- (c) include supplementary, incidental, consequential and transitional provisions.

(5) No order shall be made under this section unless a draft has been laid before, and approved by resolution of, the Assembly.

(6) Before the Department makes an order under this section it shall consult—

- (a) persons appearing to it to represent councils; and
- (b) such other persons as appear to the Department to be representative of interests affected by the proposals.

(7) If, following consultation under subsection (6), the Department proposes to make an order under this section it shall lay before the Assembly a document explaining the proposals and, in particular—

- (a) setting them out in the form of a draft order; and
- (b) giving details of consultation under subsection (6).

(8) Where a document relating to proposals is laid before the Assembly under subsection (7), no draft of an order under this section to give effect to the proposals (with or without modification) shall be laid before the Assembly until after the expiry of the statutory period beginning with the day on which the document was laid.

(9) In preparing a draft order under this section the Department shall consider any representations made during the period mentioned in subsection (8).

(10) A draft order laid before the Assembly in accordance with subsection (5) must be accompanied by a statement of the Department giving details of—

- (a) any representations considered in accordance with subsection (9); and
- (b) any changes made to the proposals contained in the document laid before the Assembly under subsection (7).

Interpretation

4.—(1) In this Act “the Department” means the Department of the Environment.

(2) Expressions used in this Act and in the Local Government Act (Northern Ireland) 1972 (c. 9) have the same meaning in this Act as in that Act.

Repeals

5.—(1) Part II of, and Schedule 1 to, the [Local Government \(Miscellaneous Provisions\) \(Northern Ireland\) Order 1992 \(NI 6\)](#) (competition) are hereby repealed.

(2) In Schedule 5 to the [Waste and Contaminated Land \(Northern Ireland\) Order 1997 \(NI 19\)](#) paragraph 6 is hereby repealed.

Commencement

6. This Act shall come into operation on 1st April 2002.

Short title

7. This Act may be cited as the Local Government (Best Value) Act (Northern Ireland) 2002.