

*Status: Point in time view as at 02/04/2012.*

**Changes to legislation:** *There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010, PART 3. (See end of Document for details)*



## 2010 CHAPTER 7

### PART 3

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Acquisition of land otherwise than by agreement*

##### **Acquisition of land otherwise than by agreement**

**21** A district council may acquire land otherwise than by agreement for the purposes of Part 2 of the Waste and Contaminated Land (Northern Ireland) Order 1997 (NI 19).

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

- C1** S. 21 applied by [S.R. 2004/49, art. 6A\(b\)](#) (as inserted (27.3.2010) by [Local Government \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2010 \(c. 7\)](#), **ss. 23(1)**, 26(1)(c))
- C2** S. 21 applied by [S.R. 2008/310, art. 6A\(b\)](#) (as inserted (27.3.2010) by [Local Government \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2010 \(c. 7\)](#), **ss. 23(2)**, 26(1)(c))
- C3** S. 21 applied with modifications (2.4.2012) by [The Local Government \(Constituting Joint Committees as Bodies Corporate\) Order \(Northern Ireland\) 2012 \(S.R. 2012/10\)](#), **arts. 1, 9**

##### *Exercise of waste management functions of councils*

##### **Exercise of waste management functions of councils**

**22.—(1)** For the purposes of this section—

“joint committee” means a committee appointed by two or more district councils under section 19 of the Local Government Act (Northern Ireland)

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1972 (c. 9) and “incorporated joint committee” means a joint committee in relation to which an order under subsection (9) of that section is in force;

“waste management functions” are functions exercisable by a district council or incorporated joint committee—

(a) under Part 2 of the Waste and Contaminated Land (Northern Ireland) Order 1997 (NI 19); or

(b) for the purposes of, or in connection with, the exercise of such functions;

“waste management contract” means a contract for the purposes of, or in connection with, the carrying out of waste management functions.

(2) A district council has power to enter into a waste management contract containing—

(a) terms under which the council guarantees, or provides warranties or indemnities in relation to, the performance by any other district council or any incorporated joint committee of its obligations under that or any other waste management contract;

(b) terms which impose joint or several liability on the council and any other district council or incorporated joint committee in respect of a breach of a term of that or any other waste management contract.

(3) Two or more district councils (“the participating councils”) may enter into an agreement under which one of those councils (“the lead council”) is to act on behalf, and in the name, of all the participating councils in relation to the exercise of such waste management functions of the participating councils as are specified in the agreement (“the specified waste management functions”).

(4) Where such an agreement is in force—

(a) the lead council has all such powers as are necessary to give effect to the agreement including in particular—

(i) power to act on behalf, and in the name, of all the participating councils in relation to the exercise of the specified waste management functions;

(ii) power to exercise the specified waste management functions of other participating councils, including functions relating to acquiring and holding property, borrowing money and entering into waste management contracts;

(iii) power to receive and hold property on behalf of, and in the name of, participating councils;

(b) any other participant council has all such powers as are necessary to give effect to the agreement including in particular power—

(i) to borrow money for that purpose; and

(ii) to make payments to the lead council for that purpose.

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(5) Nothing in this section is to be construed as derogating from any power of a council exercisable otherwise than by virtue of this section.

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

- C4** S. 22(1) applied by S.R. 2004/49, art. 6A(c) (as inserted (27.3.2010) by Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010 (c. 7), ss. 23(1), 26(1)(c))
- C5** S. 22(1) applied by S.R. 2008/310, art. 6A(c) (as inserted (27.3.2010) by Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010 (c. 7), ss. 23(2), 26(1)(c))
- C6** S. 22(1)(2) applied with modifications (2.4.2012) by The Local Government (Constituting Joint Committees as Bodies Corporate) Order (Northern Ireland) 2012 (S.R. 2012/10), arts. 19
- C7** S. 22(2) applied by S.R. 2004/49, art. 6A(c) (as inserted (27.3.2010) by Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010 (c. 7), ss. 23(1), 26(1)(c))
- C8** S. 22(2) applied by S.R. 2008/310, art. 6A(c) (as inserted (27.3.2010) by Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010 (c. 7), ss. 23(2), 26(1)(c))

*Joint committees*

**Application of certain provisions to certain joint committees constituted as bodies corporate**

**23.—**(1) In the Local Government (Constituting a Joint Committee a Body Corporate) Order (Northern Ireland) 2004 (No. 49) after Article 6 insert—

“**6A** The following provisions of the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010 shall apply to arc21 as they apply to a council—

- (a) Part 1 (contracts);
- (b) section 21 (acquisition of land otherwise than by agreement); and
- (c) section 22(1) and (2) (contracts for waste management purposes).”.

(2) In the Local Government (Constituting a Joint Committee a Body Corporate) Order (Northern Ireland) 2008 (No. 310) after Article 6 insert—

“**6A** The following provisions of the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010 shall apply to SWaMP2008 as they apply to a council—

- (a) Part 1 (contracts);
- (b) section 21 (acquisition of land otherwise than by agreement); and
- (c) section 22(1) and (2) (contracts for waste management purposes).”.

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(3) This section does not affect any power to amend or revoke the orders mentioned in subsections (1) and (2).

### *Supplementary*

#### **Regulations and orders**

**24.**—(1) No regulations shall be made under—

- (a) section 3(7), or
- (b) Chapter 3 or 5 of Part 2,

unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(2) Any other regulations under this Act shall be subject to negative resolution.

(3) Regulations and orders under this Act may contain such incidental, supplementary, consequential, transitory or saving provisions as the Department thinks necessary or expedient.

#### **Interpretation of this Act**

**25** In this Act—

- “the Department” means the Department of the Environment;
- “prescribed” means prescribed by regulations;
- “regulations” means regulations made by the Department;
- “statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33).

#### **Commencement**

**26.**—(1) The following provisions come into operation on the day after the day on which this Act receives Royal Assent—

- (a) section 3 insofar as it confers power to make regulations;
- (b) Part 2; and
- (c) this Part.

(2) The other provisions of this Act come into operation on such day or days as the Department may by order appoint.

#### **Subordinate Legislation Made**

P1 [S. 26\(2\)](#) power fully exercised: 1.8.2011 appointed by [S.R. 2011/227](#), [art. 2](#)

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### **Short title**

**27** This Act may be cited as the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010.

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