



2014 CHAPTER 8

PART 12

PERFORMANCE IMPROVEMENT

Powers of direction, etc.

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100.—(1) This section applies in relation to a council if the Department is satisfied that the council is failing, or is likely to fail, to comply with any of the requirements of this Part.

(2) Where this section applies in relation to a council, the Department may direct it to do all or any of the following—

- (a) prepare or amend an improvement plan or to follow specified procedures in relation to such a plan;
- (b) carry out a review of its exercise of specified functions;
- (c) enter into specified arrangements with another council;
- (d) set specified improvement objectives for itself under section 85.

(3) Where this section applies in relation to a council any Northern Ireland department may direct the council to take any action which that department considers necessary or expedient to secure the council's compliance with the requirements of this Part.

(4) Where this section applies in relation to a council any Northern Ireland department may direct—

- (a) that a specified function of the council must be exercised by that department for a period specified in the direction or for so long as that department considers appropriate; and
 - (b) that the council must comply with any instructions of that department in relation to the exercise of that function and must provide such assistance as that department may require for the purpose of exercising the function.
- (5) Any Northern Ireland department may by regulations make provision which—
- (a) relates to a statutory provision which confers a function on that department in respect of a function of a council; and
 - (b) that department considers necessary or expedient for the purposes of cases in which it makes a direction under subsection (4)(a).
- (6) Regulations under subsection (5) may, in relation to the cases mentioned in subsection (4)(b)—
- (a) disapply or modify a statutory provision of the kind mentioned in subsection (5)(a);
 - (b) have an effect similar to the effect of a statutory provision of that kind.
- (7) Subject to subsection (9), a Northern Ireland department must, before giving a direction under this section, give the council concerned an opportunity to make representations about—
- (a) the report (if any) as a result of which the direction is proposed; and
 - (b) the direction proposed.
- (8) Subject to subsection (9), a Northern Ireland department must, before giving a direction under this section following a recommendation in a report under section 95(2)(f), have regard to any statement under section 96(2) which the council concerned sends the Department before the expiry of the period of one month beginning with the day on which the council received the report.
- (9) A Northern Ireland department may give a direction without complying with subsection (7) or (8) if it considers the direction sufficiently urgent.
- (10) Where a department gives a direction without complying with subsection (7) or (8) it shall inform—
- (a) the council concerned; and
 - (b) such persons appearing to that department to represent councils as it considers appropriate,
- of the direction and of the reason why it was given without complying with subsection (7) or (8).