2014 CHAPTER 8

# PART 14

## SUPERVISION OF COUNCILS BY NORTHERN IRELAND DEPARTMENTS

**Power of any Northern Ireland department to direct council to make reports etc.**

**104.**—(1) Any Northern Ireland department may direct a council to—

(a) make to that department such reports and returns; and

(b) give to that department such information with respect to the exercise of the council's functions,

as may be specified in the direction.

(2) A council must comply with any direction under this section.

**Inquiries and investigations**

**105.**—(1) Any Northern Ireland department may cause such local and other inquiries to be held and such investigations to be made as that department thinks expedient for the purposes of this Act or in connection with the administration of any statutory provision relating to the functions of any council or any committee or sub-committee of a council.

(2) The provisions of Schedule A1 to the Interpretation Act (Northern Ireland) 1954 have effect in relation to any local or other inquiry or any investigation which a Northern Ireland department causes to be held or made under this section as they apply in relation to a local or other inquiry or investigation which a

Northern Ireland department causes to be held or made under an enactment passed or made as mentioned in section 23 of that Act.

**Power of any Northern Ireland department to intervene in case of default by council**

**106.**—(1) This section applies where a Northern Ireland department ("the relevant department"), after causing a local or other inquiry to be held or an investigation to be made, is satisfied that a council has failed to discharge any of its functions.

(2) The relevant department may make an order—

(a) declaring the council to be in default; and

(b) directing the council for the purpose of remedying the default, to take such action, within such period, as is specified in the order.

(3) If an order under subsection (2) is not complied with, the relevant department may by order empower an officer of the relevant department to exercise, or procure the exercise of, the function in question.

(4) Any costs incurred by the relevant department or its officer under an order made under subsection (3) must, in the first instance, be defrayed as expenses of the relevant department, but—

(a) the amount of those costs as certified by the relevant department must, on demand, be paid to it by the council; and

(b) any sum demanded under paragraph (a) is a debt recoverable summarily by the relevant department from the council.

**International obligations**

**107.**—(1) If any Northern Ireland department considers that any action proposed to be taken by a council would be incompatible with any international obligations, that department may direct that the proposed action must not be taken.

(2) If any Northern Ireland department considers that any action capable of being taken by a council is required for the purpose of giving effect to any international obligations, that department may direct that the action shall be taken.

(3) A direction under this section must give the reasons for making the direction and may make provision having retrospective effect.

(4) In this section "international obligations" has the same meaning as in the Northern Ireland Act 1998.