



## 2014 CHAPTER 8

### PART 4

#### DISCHARGE OF FUNCTIONS

##### *Arrangements for discharge of functions*

##### **Arrangements for discharge of functions of council**

- 7.—(1) A council may arrange for the discharge of any of its functions—
- (a) by a committee, a sub-committee or an officer of the council; or
  - (b) by any other council.
- (2) Subsection (1) is subject to any express provision contained in this Act or any Act passed after this Act.
- (3) A council's functions with respect to—
- (a) making a district rate under the Rates (Northern Ireland) Order 1977;
  - (b) making a determination under section 13(1) of the Local Government Finance Act (Northern Ireland) 2011 (affordable borrowing limit) and monitoring an amount determined under that subsection;
  - (c) borrowing money; and
  - (d) acquiring or disposing of land,
- may only be discharged by the council itself.
- (4) Where by virtue of this section any functions of a council may be discharged by a committee of the council, the committee may arrange for the discharge of any of those functions by—
- (a) a sub-committee; or

(b) an officer of the council.

(5) Subsection (4) is subject to any contrary direction by the council.

(6) Where by virtue of this section any functions of a council may be discharged by a sub-committee of the council, the sub-committee may arrange for the discharge of any of those functions by an officer of the council.

(7) Subsection (6) is subject to any contrary direction by the council or the committee.

#### **Arrangements by one council for discharge of functions by another council**

**8.—**(1) A council may not under section 7(1)(b) arrange for the discharge of any of its functions by another council if, or to the extent that, that function is also a function of the other council and is the responsibility of the other council's executive.

(2) Arrangements made under section 7(1)(b) by a council ("Council A") with respect to the discharge of any of its functions cease to have effect with respect to that function if, or to the extent that—

- (a) Council A is operating or begins to operate executive arrangements, and that function becomes the responsibility of the executive of Council A; or
- (b) the council with which the arrangements are made ("Council B") is operating or begins to operate executive arrangements, that function is also a function of Council B and that function becomes the responsibility of Council B's executive.

(3) Subsections (1) and (2) do not affect arrangements made by virtue of section 25 (discharge of functions of and by another council).

(4) Subsection (5) applies where arrangements are in force under section 7(1)(b) for the discharge of the functions of a council ("Council A") by another council ("Council B").

(5) Council B may arrange for the discharge of those functions by a committee, sub-committee or officer of Council B.

(6) Subsections (4) to (7) of section 7 apply in relation to those functions as they apply in relation to the functions of Council B.

(7) Subsection (4) is subject to the terms of the arrangements.

(8) Arrangements made under section 7(1)(b) by a council for the discharge of its functions do not affect its responsibility for them.

#### **Arrangements for discharge of functions by councils jointly**

**9.—**(1) Two or more councils may discharge any of their functions jointly and subsections (2) to (6) apply where arrangements are in force for them to do so.

(2) The councils may also arrange for the discharge of those functions by—

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*Status: This is the original version (as it was originally enacted).*

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- (a) a joint committee of the councils; or
- (b) an officer of one of the councils.

(3) Subsections (4) to (7) of section 7 apply in relation to those functions as they apply in relation to the functions of the individual councils.

(4) Any statutory provision relating to—

- (a) those functions; or
- (b) the councils by which or the areas in respect of which they are to be discharged,

has effect subject to any necessary modification in its application in relation to those functions and the councils by which and the areas in respect of which (whether in pursuance of the arrangements or otherwise) they are to be discharged.

(5) Arrangements made under subsection (2) by two or more councils with respect to the discharge of any of their functions cease to have effect with respect to that function if, or to the extent that, the function becomes the responsibility of an executive of any of the councils.

(6) Subsection (5) does not affect arrangements made by virtue of section 26 (joint exercise of functions).

#### **Exercise of functions not prevented by arrangements under this Part**

**10.** Any arrangements made by a council or committee under this Part for the discharge of any functions by a committee, sub-committee, officer or council do not prevent the council or committee by which the arrangements are made from exercising those functions.