
STATUTORY INSTRUMENTS

1992 No. 810

The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992

Sanctions

Notice for purpose of getting information

14.—(1) If it appears to the Department that in the financial year beginning in 1992 or in a subsequent financial year a council—

- (a) has entered into a contract to carry out work and has done so in contravention of Article 5,
- (b) has carried out work in circumstances where any of the 6 conditions required to be fulfilled as regards the work by Article 7 has not been fulfilled,
- (c) has carried out work in circumstances where Article 10 has not been complied with for the year concerned in relation to the defined activity within which the work falls or in relation to an account required by that Article to be kept for the year concerned as regards the activity,
- (d) has carried out work in circumstances where Article 11 has not been complied with for the year concerned in relation to the defined activity within which the work falls, or
- (e) has carried out work in circumstances where Article 12 has not been complied with for the year concerned in relation to the defined activity within which the work falls or in relation to a report required by that Article to be prepared for the year concerned as regards the activity, the Department may serve on the council a notice falling within paragraph (2).

(2) The notice is one which—

- (a) informs the council that it appears to the Department that in a financial year identified in the notice the council has acted as mentioned in one of the sub-paragraphs (so identified) of paragraph (1),
- (b) identifies the work concerned and states why it so appears, and
- (c) contains the requirement mentioned in paragraph (3).

(3) The requirement is that the council submit to the Department within such time as is specified in the notice a response which—

- (a) states that the council has not acted as mentioned in the sub-paragraph concerned of paragraph (1) and justifies the statement, or
- (b) states that the council has acted as so mentioned and gives reasons why the Department should not give a direction under Article 15.

(4) Where work is specified under Article 7(3) as a proportion of particular work, the reference in paragraph (2)(b) to work is to the work of which the proportion forms a part.

(5) The Department may serve on a council different notices under this Article identifying the same financial year and the same work, whether such notices identify the same sub-paragraph or different sub-paragraphs of paragraph (1).

Directions in respect of work carried out in contravention of this Part

15.—(1) Paragraph (2) applies where—

- (a) the Department has served a notice on a council under Article 14,
- (b) the time specified in the notice has expired (whether or not the Department has received a written response to the notice), and
- (c) it still appears to the Department that the council has acted as mentioned in the paragraph concerned of Article 14.

(2) Without prejudice to Article 25, the Department may direct that with effect from such date as is specified in the direction the council—

- (a) shall not carry out any work falling within the appropriate activity,
- (b) shall not carry out such work falling within that activity as is identified in the direction,
- (c) may only carry out work falling within that activity if such conditions as are specified in the direction are fulfilled, or
- (d) as regards such work falling within that activity as is identified in the direction, may only carry it out if such conditions as are specified in the direction are fulfilled.

(3) Where the Department has given a direction under paragraph (2) or this paragraph (the previous direction) the Department may give a direction (a new direction) that with effect from such date as is specified in the new direction—

- (a) any prohibition applying by virtue of the previous direction (whether the prohibition applies outright or if conditions are not fulfilled) shall cease to apply,
- (b) any outright prohibition applying by virtue of the previous direction is replaced by a prohibition applying (as regards the same work) if conditions specified in the new direction are not fulfilled, or
- (c) any prohibition applying as regards work by virtue of the previous direction (whether the prohibition applies outright or if conditions are not fulfilled) is replaced by a prohibition which applies only to such of that work as is identified in the new direction but which is otherwise in the same terms as the prohibition in the previous direction.

(4) If the Department directs under this Article that a council shall not carry out work, or may only carry out work if certain conditions are fulfilled, the direction shall have effect notwithstanding any statutory provision under which the council is required or authorised to do the work or (as the case may be) to do it without the need for the conditions to be fulfilled.

(5) In this Article “the appropriate activity” means the defined activity within which the work identified in the notice concerned falls.