
STATUTORY INSTRUMENTS

2005 No. 1968

The Local Government (Northern Ireland) Order 2005

PART III

MISCELLANEOUS

Powers of district councils in relation to emergencies

29.—(1) A council may make arrangements, or enter into arrangements with other bodies or persons, for—

- (a) preventing the occurrence of an emergency;
- (b) reducing, controlling or mitigating the effects of any emergency which may occur.

(2) Those arrangements may in particular include—

- (a) arrangements for co-operation with other bodies or persons; and
- (b) arrangements for the co-ordination of the activities of the council with those of other bodies or persons.

(3) Where an emergency occurs—

- (a) a council may give effect to any arrangements made under paragraph (1); and
- (b) take any other steps which it thinks appropriate for reducing, controlling or mitigating the effects of the emergency.

(4) In carrying out its functions under paragraphs (1) to (3), a council shall have regard to any guidance issued by the Department.

(5) Before issuing any guidance under paragraph (4) the Department shall consult councils and—

- (a) such associations or bodies representative of councils;
- (b) such associations or bodies representative of officers of councils; and
- (c) such other persons or bodies,

as appear to it to be appropriate.

(6) A Northern Ireland department may by order confer or impose on district councils other functions relating to emergencies.

(7) An order under this Article—

- (a) may include supplementary, incidental, consequential or transitional provisions; and
- (b) shall not be made unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.

(8) In carrying out any functions conferred or imposed on it by an order under paragraph (6), a council shall have regard to any guidance issued by the Northern Ireland department which made the order.

(9) Before issuing any guidance under paragraph (8), a Northern Ireland department shall consult councils and—

- (a) such associations or bodies representative of councils;
- (b) such associations or bodies representative of officers of councils; and
- (c) such other persons or bodies,

as appear to it to be appropriate.

(10) The Department may make grants to district councils or other persons for the purpose of, or in connection with, arrangements made or entered into under paragraph (1).

(11) A grant under paragraph (10) shall be—

- (a) of such amount, and
- (b) made subject to such conditions,

as the Department may determine.

(12) Grants shall not be made under paragraph (10) without the consent of the Department of Finance and Personnel.

(13) In this Article—

“emergency”, in relation to a council, means an emergency affecting the whole or part of the district of the council or all or some of its inhabitants;

“other bodies or persons” includes other councils.

Use of fixed penalty receipts

30.—(1) In Article 6(6) of the [Litter \(Northern Ireland\) Order 1994 \(NI 10\)](#) (which requires councils to pay fixed penalties for litter and dog fouling offences to the Department) for the words from “as respects the sums received” to the end substitute “and any sums received by a council in respect of fixed penalties shall be dealt with in accordance with Article 6A”.

(2) After Article 6 of that Order insert—

“Use of fixed penalty receipts

6A.—(1) A council may use its fixed penalty receipts only for the purposes of—

- (a) its functions under Articles 5 and 6;
- (b) such other functions (if any) as are specified in regulations made by the Department.

(2) A council shall supply the Department with such information relating to its use of its fixed penalty receipts as the Department may require.

(3) The Department may by regulations—

- (a) make provision for what a council is to do with its fixed penalty receipts—
 - (i) pending their being used for the purposes mentioned in paragraph (1);
 - (ii) if they are not so used before such time after their receipt as may be specified in the regulations;
- (b) make provision for accounting arrangements in respect of a council’s fixed penalty receipts.

(4) The provision that may be made under paragraph (3)(a)(ii) includes (in particular) provision for the payment of sums to a person (including the Department) other than the council.

(5) Before making regulations under this Article the Department shall consult councils and—

- (a) such associations or bodies representative of councils;

- (b) such associations or bodies representative of officers of councils; and
- (c) such other persons or bodies,

as the Department considers appropriate.

(6) In this Article references to a council's fixed penalty receipts are to the sums received by the council in respect of fixed penalties under Article 6.”.

Regulation of cosmetic piercing and skin-colouring businesses

31.—(1) Article 14 of the [Local Government \(Miscellaneous Provisions\) \(Northern Ireland\) Order 1985 \(NI 15\)](#) (regulation of tattooing, ear-piercing and electrolysis businesses) is amended as follows.

(2) In paragraph (1) (requirement for person carrying on business to be registered), for sub-paragraph (b) (ear-piercing) substitute—

“(aa) of semi-permanent skin-colouring;

(b) of cosmetic piercing; or”,

(and in the head-note for “ear-piercing” substitute “semi-permanent skin-colouring, cosmetic piercing”).

(3) In paragraph (2) (requirement to register premises where business carried on)—

(a) for “ear-piercing” substitute “semi-permanent skin-colouring, cosmetic piercing”, and

(b) for “pierce their ears” substitute “carry out semi-permanent skin-colouring on them, pierce their bodies”.

(4) In paragraph (5) (council may not require particulars about individuals whose ears have been pierced etc.), for “or whose ears he has pierced” substitute “, whose bodies he has pierced or on whom he has carried out semi-permanent skin-colouring”.

(5) After paragraph (8) insert—

“(9) In this Article “semi-permanent skin-colouring” means the insertion of semi-permanent colouring into a person's skin.”.

(6) Schedule 2 (which contains transitional provisions) has effect.

Alteration of limit on expenditure under section 115 of the principal Act

32.—(1) In section 115 of the principal Act (expenditure by council for special purposes) after subsection (2) (which sets a limit on that expenditure) insert—

“(2A) Regulations may amend paragraph (b) of subsection (2) by substituting for “0.5p” (or such amount as is for the time being specified therein by virtue of this subsection) such other amount as is prescribed.

(2B) Regulations shall not be made under subsection (2A) unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.”.

(2) In section 143 of that Act after “regulations made under this Act” insert “(other than regulations under section 115(2A))”.

Indemnification of members and officers of councils

33.—(1) The Department may by order make provision for or in connection with conferring power on councils to provide indemnities to some or all of their members and officers.

(2) Before making an order under this Article the Department shall consult councils and—

- (a) such associations or bodies representative of councils;

- (b) such associations or bodies representative of officers of councils; and
 - (c) such other persons or bodies,
- as the Department considers appropriate.
- (3) An order under this Article—
 - (a) may include supplementary, incidental, consequential or transitional provisions; and
 - (b) shall not be made unless a draft of the order has been laid before, and approved by resolution of, the Assembly.
 - (4) In this Article “member” in relation to a council, includes—
 - (a) a member of any committee of the council;
 - (b) a person who is a member of, and represents the council on, any joint committee.

Annual statements under local government superannuation regulations

34. In Article 9 of the [Superannuation \(Northern Ireland\) Order 1972 \(NI 10\)](#) (regulations as to superannuation of persons employed in local government service, etc.) after paragraph (2) insert—

- “(2A) Regulations under this Article may—
- (a) require any financial statement relating to any fund maintained under the regulations to be prepared in accordance with guidance for the time being issued by the Department of Finance and Personnel; and
 - (b) regulate the issue of such guidance by that Department.”.