

EXPLANATORY MEMORANDUM TO

The Local Government (Provision of Services) Regulations (Northern Ireland) 2010

SR 2010 No. 252

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Statutory Rule implements in part Articles 9 and 13 of Chapter 3 (freedom of establishment for providers) of Directive 2006/123/EC of the European Parliament and Council on services in the internal market (OJ no. L 376, 27.12. 2006 p.36) ("the Directive"). The regulations amend Schedule 2 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 (SI 1985/1208(N.I.15)).
- 2.2. Article 1.1 of the Services Directive identifies that the purpose is to facilitate service provision within the European Union whilst maintaining a high quality of services.

3. Background

- 3.1. The Directive is a significant piece of European legislation building on the free movement provisions concerning establishment and the free movement of services contained in the Treaty establishing the European Community.
- 3.2. There are four main elements to this, namely: the removal of legislative and administrative restrictions on the provision of services; the creation of an online facility through which service providers can apply remotely and electronically for necessary licences; enhanced cooperation between regulators in different Member States; and measures designed to enhance the quality of service provision such as greater access to information on providers and their services.
- 3.3. The main elements of the Directive were given effect in the United Kingdom by The Provision of Services Regulations (SI 2009/2999) with the exception of legislation which is the responsibility of the devolved administrations.

4. Consultation

- 4.1. The date for compliance with the Directive was 28 December 2009. Given the need to implement the necessary changes as quickly as possible, no consultation was undertaken.

5. Equality Impact

- 5.1. Under the terms of section 75 of the Northern Ireland Act 1998, the Department carried out a screening for equality impact and is satisfied that the Regulations will not lead to a significant discriminatory or negative differential impact.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment has not been carried out because the proposals result in no, or negligible, costs or savings.

7. Financial Implications

- 7.1. The regulations have no financial implications.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. These regulations do not contravene section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. A Transposition Note has not been prepared because the regulations only ensure that the provisions in Schedule 2 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 comply with the Directive.

10. Parity or Replicatory Measure

- 10.1. The regulations ensure that Schedule 2 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 comply with the Directive. Amendments were made to the corresponding legislation in England and Wales, The Local Government (Miscellaneous Provisions) Act 1972, by regulation 47 of The Provision of Services Regulations 2009 (SI 2009/2999).

11. Additional Information

- 11.1. Not applicable.