



# Local Government Act (Northern Ireland) 1972

## 1972 CHAPTER 9

### PART X

#### GENERAL

#### 142 Application of Act to joint committees.

Without prejudice to section 19(9)(c), the provisions of this Act mentioned in Schedule 7 shall apply to joint committees as they apply to councils as if—

- (a) any reference to a council included a reference to a joint committee and any reference to a committee of a council included a reference to a sub-committee of a joint committee;
- (b) any reference to a councillor included a reference to a member of a joint committee, whether he is a councillor or not;
- (c) any reference to the clerk of a council or the chief financial officer of a council included a reference to the chief officer of a joint committee;
- (d) any reference to the offices of a council included a reference to the place of meeting of a joint committee; and
- (e) any reference to the district of a council included a reference to the districts of all the councils which have concurred in appointing a joint committee.

#### 143 Orders and regulations.

Orders made under this Act by the Ministry or any other government department (other than an order made under section 40(8), [F150,]F2 . . . . .F3 or 129 or an order under section 52 or 134 to which subsection (9) or, as the case may be, (6) of that section applies, [F4 or a vesting order]), and regulations made under this Act[F5 (other than regulations under section 115(2A))], shall be subject to negative resolution.

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government Act (Northern Ireland) 1972, PART X. (See end of Document for details)*

- |           |  |
|-----------|--|
| <b>F1</b> | Words in s. 143 inserted (17.5.2006) by <a href="#">Local Government (Boundaries) (Northern Ireland) Order 2006 (S.I. 2006/1253 (N.I. 8))</a> , arts. 1(2), <b>5(2)(b)</b>                                     |
| <b>F2</b> | Words in s. 143 repealed (1.4.2006) by <a href="#">Local Government (Northern Ireland) Order 2005 (S.I. 2005/1968 (N.I. 18))</a> , art. 1(2), 28(8), Sch. 1; S.R. 2006/151, <b>art. 2</b> , Sch. (with art. 4) |
| <b>F3</b> | 1978 NI 11   |
| <b>F4</b> | 1972 NI 22   |
| <b>F5</b> | 2005 NI 18   |

*S.144 rep. by SLR 1980*

#### **145 Payments due by councils to government departments, etc.**

Where the payment of any sum by a council is required to comply with any statutory provision and is due—

- (a) to a government department or public body; or
- (b) to the Exchequer; or
- (c) to any public fund under the control of a government department or public body;

the amount of the sum may be abated from any contribution or grant payable to the council out of money provided by Parliament.

#### **146 Interpretation: pecuniary interests.**

<sup>F6</sup>(1) Subject as hereafter provided in this section, a person shall be treated for the purposes of this Act as having a pecuniary interest in a contract or proposed contract or in any other matter if—

- (a) he has himself or by or with or through another, an interest in the outcome thereof or in any commission, advantage or benefit arising or accruing therefrom;
- (b) he or any nominee of his is a member of a company or other body with which that contract is made or is proposed to be made or which has a direct pecuniary interest in that other matter; or
- (c) he is a partner or is in the employment of a person with whom that contract is made or is proposed to be made or who has a direct pecuniary interest in that other matter;

but shall not be so treated—

- (i) if the pecuniary interest arises in relation to a contract or proposed contract for the supply of services, facilities or goods to the public and the terms of the contract are offered to the public at large and he has, fairly, openly and without qualification, accepted those terms upon the same conditions as those on which they are open to acceptance by any member of the public; or
- (ii) if the pecuniary interest is of such a general nature or is so insignificant or trivial, or is so indirectly or remotely related to that contract, proposed contract or other matter that the judgment of the person is not likely to be affected or influenced thereby; or
- (iii) by reason only of his being a member or an officer of any public body; or
- (iv) by reason only of his being a member of any company or other body if he proves he has no beneficial interest in the shares therein or in the profits thereof.

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government Act (Northern Ireland) 1972, PART X. (See end of Document for details)*

(2) For the purposes of this section and sections 28 to 33 and 46, the interest of one of two spouses<sup>[F7]</sup> or civil partners] living together shall be deemed to be the interest of the other of those spouses<sup>[F7]</sup> or civil partners] unless that other spouse<sup>[F7]</sup> or civil partner] proves he or she was unaware of, and had no reasonable grounds for being aware of, the interest of his or her spouse<sup>[F7]</sup> or civil partner], and in this section and those sections—

“council” includes a committee and a sub-committee of a council;

“councillor” includes a member of such a committee or sub-committee, whether he is a member of the council or not;

“matter” includes any relevant transaction (not being a contract) within the meaning of section 31 and any other matter whatsoever;

“public body” means a body established by or under any statutory provision; and

“shares” includes stock and “share capital” shall be construed accordingly.

**F6** 1965 c.13 (NI), 1970 c.9 (NI), 1972 NI 14, 1981 NI 3

**F7** 2004 c.33

#### **Modifications etc. (not altering text)**

**C1** S. 146 applied (with modifications) (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 7(2), 34(3), [Sch. 1 para. 11\(1\)](#) (with [Sch. 1 para. 11\(2\)](#)); S.R. 2009/114, [art. 2](#)

**C2** S. 146 applied (with modifications) (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 7(2), 34(3), [Sch. 2 para. 11\(1\)](#) (with [Sch. 2 para. 11\(2\)](#)); S.R. 2009/114, [art. 2](#)

**C3** S. 146 applied (with modifications) (prosp.) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\)](#), ss. 20(3), 111(3), [Sch. 1 para. 20](#) (with s. 106(4))

**C4** S. 146 applied (with modifications) (prosp.) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\)](#), ss. 20(4), 111(3), [Sch. 2 para. 20](#) (with s. 106(4))

#### **147 Interpretation: “provide” and “maintain”.**

For the purposes of this Act—

(a) power to provide any thing—

(i) includes power to acquire, establish, lay out, erect or construct it and to provide buildings, works, equipment, facilities, services and amenities for or in connection with it and any other thing incidental or ancillary to it; and

(ii) also includes power to enter into arrangements with any other person for the use, on such terms as may be agreed, of any suitable thing provided by, or under the control of, that other person and, if it appears convenient, for the services of any staff employed in connection therewith;

(b) power to maintain any thing includes power to operate, manage, repair, extend, alter, improve, re-erect and renew it or any such building, works, equipment, facility, service, amenity or other thing as aforesaid.

#### **148 General interpretation.**

(1 <sup>F8</sup> In this Act—

“association” includes any body of persons, corporate or unincorporate;

“chief financial officer” means the officer designated as such under section 54;

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government Act (Northern Ireland) 1972, PART X. (See end of Document for details)*

“council” has the meaning assigned to it in section 1(3), and in relation to any district means the council for that district;

“councillor” has the meaning assigned to it by section 1(3), and in relation to any council means a councillor of that council;

“date of conviction” shall, where the person convicted brings any appeal or application in respect of his conviction, be taken as the date on which that appeal or application is finally disposed of or abandoned or fails by reason of non-prosecution thereof;

“day of his election” means in relation to any person claiming or alleged to be a councillor—

(a) where his election or alleged election was contested, the day on which the result of the poll was declared; and

(b) in any other case, the day on which he was elected, or is alleged to have been elected, to act as a councillor;

“declaration” means declaration in writing;

“direction” means direction in writing; and “direct” shall be construed accordingly;

“district” has the meaning assigned to it by section 1(3), and in relation to any council means the district for which that council acts;

“elected” includes appointed, <sup>F9</sup>. . . nominated or otherwise selected [<sup>F10</sup>or returned];

“government department” means a department of the Government of Northern Ireland;

“insurance” means a contract with any person whereby, in consideration of payments by the council by way of premium or otherwise, that person undertakes to pay to the council such sums as may be provided in the contract on the occurrence of a particular event; and “insure” shall be construed accordingly;

*Definition rep. by 1985 NI 15*

“joint committee” has the meaning assigned to it by section 19(1);

[<sup>F11</sup>“local elector” has the same meaning as in the Electoral Law Act (Northern Ireland) 1962]

“the Minister” means the Minister of Development<sup>F12</sup>;

“the Ministry”, except in Schedule 6, means the Ministry of Development<sup>F13</sup>;

“the Ministry concerned” in relation to any purpose or function means the government department concerned with that purpose or function, and if any question arises as to what department is the Ministry concerned, the question shall be determined by the Ministry of Finance;

“modify” means making additions, omissions, amendments, adaptations, applications, extensions, restrictions and substitutions;

“newspaper”, in sections 24 to 26, includes any newsagency which as part of its regular business sells or otherwise supplies for reward reports or information to newspapers and any organisation which as part of its regular business collects news for sound or television broadcasts; [<sup>F14</sup> or for programmes to be included in a programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service;]

“notice” means notice in writing;

“officer” includes servant;

“owner” means the person for the time being receiving the rack rent of the land in connection with which the word is used, whether on his own account or as

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government Act (Northern Ireland) 1972, PART X. (See end of Document for details)*

agent or trustee for any other person, or who would so receive the same if the land were let at a rack rent;

“prescribed” means prescribed by regulations;

F15

“public body”, except in section 146, means a body (other than a council) established by or under any transferred provision;

“public utility undertaking” means the provision of gas, transport or any other public service which a council is authorised to undertake;

“regulations” means regulations made by the Ministry;

“special resolution” means a resolution passed by a majority of not less than two-thirds of the whole number of the councillors at a meeting of the council which has been specially called for the purpose and of which at least ten days' notice, specifying the purpose of the meeting, has been given by advertisement in at least two newspapers circulating in the district of the council, in addition to the ordinary notice required to be given for convening a meeting of the council;

“the Staff Commission” has the meaning assigned to it by section 40; “provide” and “maintain” .

“statutory provision” has the meaning assigned to it by section 1( f) of the Interpretation Act (Northern Ireland) 1954 , and includes such a provision contained in or made under this Act or passed or made after the passing of this Act;

“transferred provision” has the meaning assigned to it by section 1( g) of the Interpretation Act (Northern Ireland) 1954, and includes such a provision contained in or made under this Act or passed or made after the passing of this Act;

“voluntary body” means any association carrying on or proposing to carry on any activities otherwise than for the purpose of gain by the association or by individual members thereof.

(2) For the purposes of this Act, a person shall be deemed not to withdraw from a meeting unless he removes himself outside the hall or room in which the meeting is held and outside the sight and hearing of persons present at the meeting.

(3) References in this Act to the consent or approval of any authority are references to consent or approval in writing.

[<sup>F16</sup>(4) For the purposes of this Act references to “publicity”, “publish” and “publication” are references to any communication, in whatever form, addressed to the public at large or to a section of the public.]

**F8** 1965 c.13 (NI), 1970 c.9 (NI), 1972 NI 14, 1981 NI 3

**F9** S. 148: words omitted (1.4.2010) in the definition of "elected" by virtue of [Electoral Law Act \(Northern Ireland\) 1962 \(Amendment\) Order 2010 \(S.I. 2010/1178\)](#), arts. 1(2), **5(4)(a)**

**F10** S. 148: words inserted (1.4.2010) in the definition of "elected" by [Electoral Law Act \(Northern Ireland\) 1962 \(Amendment\) Order 2010 \(S.I. 2010/1178\)](#), arts. 1(2), **5(4)(b)**

**F11** 1989 c.3

**F12** SRO (NI) 1973/504; 1976 NI 6

**F13** SRO (NI) 1973/504; 1976 NI 6

**F14** 1990 c.42

**F15** Definition of "prohibition order" in s. 148(1) repealed (1.4.2006) by [Local Government \(Northern Ireland\) Order 2005 \(S.I. 2005/1968 \(N.I. 18\)\)](#), arts. 1(2), 28(8), Sch. 1; S.R. 2006/151, **art. 2**, Sch. (with art. 4)

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government Act (Northern Ireland) 1972, PART X. (See end of Document for details)*

**F16** 1992 NI 6

**Modifications etc. (not altering text)**

- C5** S. 148 applied (with modifications) (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 7(2), 34(3), **Sch. 1 para. 11(1)** (with Sch. 1 para. 11(2)); S.R. 2009/114, **art. 2**
- C6** S. 148 applied (with modifications) (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 7(2), 34(3), **Sch. 2 para. 11(1)** (with Sch. 2 para. 11(2)); S.R. 2009/114, **art. 2**

**149 Amendments, repeals and savings.**

*Subs.(1), with Schedule 8, effects amendments*

*Subs.(2), with Schedule 9, effects repeals*

- (3) The repeal by this Act of section 22 of and Schedule 2 to the Local Government Act (Northern Ireland) 1934 and any transferred provision modifying that section and Schedule shall not prejudice the operation of that section, Schedule and provision as applied for the purposes of any other transferred provision passed before this Act<sup>F17</sup>, and that section, Schedule and provision shall continue to have effect for the purposes of that other provision as if this Act had not been passed.
- (4) Subject to the provisions of this Act, any reference in any unrepealed transferred provision to a transferred provision that is repealed by this Act shall, in relation to any subsequent transaction, matter or thing, be construed as a reference to so much of any provision of this Act as relates to the same subject matter as the provision so repealed, and the unrepealed transferred provision shall, with any necessary modifications, have effect accordingly; and if nothing in this Act relates to the same subject matter, the transferred provision that is so repealed shall stand good, and be read and construed as unrepealed in so far, and in so far only, as is necessary to support, maintain or give effect to the unrepealed transferred provision.

**F17** 1976 NI 25

**150 Short title and commencement.**

- (1) This Act may be cited as the Local Government Act (Northern Ireland) 1972.
- (2) *Commencement*

**Status:**

Point in time view as at 01/04/2010.

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government Act (Northern Ireland) 1972, PART X.