



Local Government Act (Northern Ireland) 1972

1972 CHAPTER 9

PART III

OFFICERS

40 The Staff Commission.

- (1) There shall be established a body to be known as the Local Government Staff Commission for Northern Ireland (in this Act referred to as “the Staff Commission”) for the purpose of exercising general oversight of matters connected with the recruitment, training and terms and conditions of employment of officers of councils [^{F1} and of the Northern Ireland Housing Executive (in this Act referred to as “the Executive”)] and of making recommendations to councils [^{F1} and to the Executive] on such matters.
- (2) The Staff Commission shall be a body corporate with perpetual succession, and section 19 of the Interpretation Act (Northern Ireland) 1954 shall apply to it.
- (3) The Staff Commission shall consist of—
 - (a) a chairman, and
 - (b) not more than [^{F2} fourteen] or less than six other members,appointed by the Minister after consultation with—
 - (i) such [^{F2} councils and] associations representative of councils or their staffs as appear to the Minister to be concerned, and [^{F1} the Executive and such associations representative of the staff of the Executive as appear to the Department to be concerned, and]
 - (ii) any other association or any public body with whom consultation appears to the Minister to be desirable.
- (4) Without prejudice to the generality of subsection (1), the functions of the Staff Commission shall include—

Changes to legislation: Local Government Act (Northern Ireland) 1972, Section 40 is up to date with all changes known to be in force on or before 05 April 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) establishing, in such manner as the Staff Commission thinks fit, bodies (to be known as “advisory appointment panels”) for the purpose of giving advice to councils on the suitability of applicants for appointment to the office of clerk and to other offices for which qualifications are^[F3] determined] under section 41 (including the making of a selection of persons who may be treated as eligible for such appointments);
 - ^{F1}(aa) establishing, in such manner as the Staff Commission thinks fit, bodies (to be known as “advisory appointment panels”) for the purpose of giving advice to the Executive on the suitability of applicants for appointment to such offices under the Executive as the Department may determine (including the making of a selection of persons who may be treated as eligible for such appointments);]
 - (b) establishing a code of procedure for securing fair and equal consideration of applications to councils ^[F1] and to the Executive] by persons seeking to be employed by them as officers, and fair and equal treatment of persons who are so employed;
 - ^[F2](bb) monitoring the fair employment practices of councils and their compliance with statutory requirements in relation to fair employment;]
 - (c) assessing the probable future requirements of councils ^[F1] and of the Executive] for the recruitment of officers and securing publicity for the opportunities that are available to persons who may seek employment as such officers;
 - ^[F2](cc) establishing and issuing a code of recommended practice as regards the conduct of officers of councils;]
 - (d) promoting co-operation between councils, ^[F1] the Executive,] public bodies, government departments and educational institutions in matters connected with the recruitment, training and terms and conditions of employment of officers, and promoting the temporary transfer of officers (with their consent) in pursuance of arrangements made between councils, ^[F1] between councils and the Executive,] or between councils ^[F1] or the Executive], and any such bodies, departments or institutions;
 - (e) promoting or assisting the development of, or providing, facilities for the training of officers;
 - (f) promoting or assisting the establishment of, or establishing, procedures for the negotiation between councils ^[F1] the Executive] and officers of councils, ^[F1] or of the Executive] or associations representing ^[F4] any] of them, of standard rates of remuneration, or other terms and conditions of employment, for officers of councils, ^[F1] or of the Executive] and recommending the adoption by councils ^[F1] and the Executive] of rates, terms and conditions so negotiated.
- (5) Where the Staff Commission makes a recommendation to a council ^[F1] or, as the case may be, to the Executive] and the council ^[F1] or the Executive] does not comply with the recommendation within such reasonable period as the Staff Commission requires, the Ministry, after consulting the council ^[F1] or the Executive] and considering any representations made by it, may give to the council ^[F1] or to the Executive] any directions that the Ministry considers necessary or expedient for the implementation of the recommendation, and the council ^[F1] or the Executive] shall comply with any such direction within a period of one month or such longer period as the Ministry may allow.
- (6) A council ^[F1] and the Executive] shall—

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- (a) make such reports and returns with respect to its officers and their terms and conditions of employment;
 - (b) furnish such estimates of its probable future requirements for the recruitment of officers; and
 - (c) give such information with respect to matters connected with the employment of any officer or officers;
- to the Staff Commission, within such reasonable period, as the Staff Commission requires.
- (7) The provisions of Schedule 3 shall have effect with respect to the Staff Commission.
- (8) The Ministry may, by order made subject to affirmative resolution, make provision for modifying the functions of the Staff Commission, and such an order may modify or repeal any provision of this section or Schedule 3.
- [^{F5}(9) The Department may by order make provision for, and in connection with, the dissolution of the Staff Commission and such an order may—
- (a) provide for the transfer of the functions, assets and liabilities of the Staff Commission to any other body or person; and
 - (b) contain such incidental, consequential, transitional or supplementary provisions (including the modification or repeal of any statutory provision (including a provision of this Act)) as appear to the Department to be necessary or expedient.
- (10) An order must not be made under subsection (9) unless a draft of the order has been laid before, and approved by resolution of, the Assembly.]

F1 1981 NI 3

F2 1992 NI 6

F3 1995 NI 5

F4 1981 NI 3

F5 S. 40(9)(10) added (2.6.2014) by [Local Government Act \(Northern Ireland\) 2014 \(c. 8\)](#), **ss. 120, 129** (with s. 124(4)); [S.R. 2014/153](#), art. 2, Sch. 1

Modifications etc. (not altering text)

C1 S. 40 applied (with mods) (2.7.2013) by [The Local Government \(Statutory Transition Committees\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/179\)](#), regs. 1(1), 22, **Sch. 2**

C2 Ss. 40 41 applied (2.7.2013) by [The Local Government \(Statutory Transition Committees\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/179\)](#), regs. 1(1), **18(4)**

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1)(ea) inserted by [2022 c. 37 Sch. 5 para. 3](#)
- s. 10(1) s. 10 renumbered as s. 10(1) by [2022 c. 37 Sch. 10 para. 3\(3\)\(a\)](#)
- s. 10(1)(a) words inserted by [2022 c. 37 Sch. 10 para. 3\(3\)\(b\)](#)
- s. 10(2) inserted by [2022 c. 37 Sch. 10 para. 3\(3\)\(c\)](#)
- Sch. 8 para. 1 repealed by [2010 c. 23 Sch. 2](#) (Amendment could not be applied - affected provision (Sch. 8) not available on [legislation.gov.uk](#))
- Sch. 8 para. 3 repealed by [2010 c. 23 Sch. 2](#) (Amendment could not be applied - affected provision (Sch. 8) not available on [legislation.gov.uk](#))