



Local Government Act (Northern Ireland) 1972

1972 CHAPTER 9

PART III

OFFICERS

41 Appointment and qualification of officers.

- (1) Every council shall appoint a clerk of the council and shall also appoint such other officers as the council thinks necessary for the efficient discharge of the functions of the council.
- (2) A council may appoint a deputy of any officer for the purpose of acting in the place of the officer whenever the office is vacant or the officer is for any reason unable to act.

[^{F1}(3) A person shall not be appointed to—
(a) the office of clerk of a council; or
(b) such other office under a council as the Department may determine,
unless he possesses such qualifications as the Department may determine.]

[^{F2}(3A) Without prejudice to any code of procedure established by the Staff Commission, a council shall not appoint any officer unless the vacancy in the office is advertised in such manner as [^{F1} the Department may determine].]

- (4) A person shall not be appointed to the office of clerk of a council or to any other office for which qualifications are prescribed under subsection (3) except in accordance with the advice of an advisory appointment panel established by the Staff Commission; but this subsection shall not apply to—

Para.(a) rep. by 1985 NI 15

- (b) a temporary appointment made with the approval of the Ministry.
- (5) Where a council refuses or fails to make an appointment—

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- (a) from among persons selected by an advisory appointment panel as eligible for the appointment; or
- (b) in accordance with directions given by the Ministry for implementing any recommendation made to the council by the Staff Commission^{F3} . . .

the Ministry, after consulting the council and considering any representations made by it, may make the appointment on behalf of the council and may, for that purpose, annul any other appointment that has been made by the council.

Subs.(6) rep. by 1995 NI 5

(7) A council shall not, without the approval of the Ministry, remove from office or suspend, or withhold the remuneration of, any officer appointed by the Ministry under subsection (5),^{F1}

(8) If after consultation with any councils the Ministry is satisfied that it is expedient that an order should be made providing for the employment of officers of any class by one of the councils on behalf of both or all of them, the Ministry may make such an order, and the order—

- (a) shall require that, before appointing officers of that class, the council by which the officers are to be employed shall consult with the other council or councils to such extent as is provided for in the order;

[^{F2}(aa) may make provision with respect to the co-ordination of the provision of the service provided by the officers of that class so employed within the districts of the council by which the officers are employed and the other council or councils]

- (b) shall provide for the expenses incurred in connection with the employment of the officers to be defrayed by the councils in such proportions as they may agree upon or, in case of disagreement, as may be determined by the Ministry;

[^{F2}(bb) may provide that the other council or councils shall not appoint officers of that class; and]

- (c) may contain such incidental and supplemental provisions as the Ministry thinks fit;

^{F2}

[^{F2}(8A) If the Department is satisfied that it is expedient that officers of any class should not be employed by one of the councils on behalf of both or all of them, the Department may make an order—

- (a) transferring officers of that class from the council by which they are employed to such other council or councils as is specified in or determined under the order;
- (b) making provision for the protection of the interests of every officer so transferred;
- (c) providing for the expenses incurred in connection with the transfer of the employment of the officers to be defrayed by the councils in such proportion as they may agree upon or, in case of disagreement, as may be determined by the Department; and
- (d) making such incidental and supplemental provision as the Department thinks fit.

(8B) In subsection (8)(aa) “co-ordination” includes—

- (a) advising the council by which the officers are employed and the other council or councils on the establishment of the service provided by the officers of that

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- class, including the number of officers to be employed and the qualifications of such officers;
- (b) making provision for training of such officers;
 - (c) issuing advisory circulars and guidelines with respect to statutory provisions or standards of inspection or advising on such circulars and guidelines issued by the Department or district councils;
 - (d) recording and reporting statistical data and on the enforcement of statutory provisions;
 - (e) reporting annually to the Department and to the council by which the officers are employed and the other council or councils;
 - (f) for the purpose of reaching agreement as mentioned in subsection (8)(b), making recommendations with respect to the apportionment of the expenses of the council by which the officers are employed in connection with the service provided by officers of that class; and
 - (g) such other functions or activities as the Department may provide in the order under subsection (8).]

Subs.(9) rep. by 1985 NI 15

- F1** 1995 NI 5
- F2** 1992 NI 6
- F3** 1985 NI 15

Modifications etc. (not altering text)

- C1** S. 41 applied (with modifications) (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)**

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