

Draft Order laid before the Assembly under Article 19(9) of the Local Government (Miscellaneous Provisions) Northern Ireland) Order 1992, for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2015 No.

LOCAL GOVERNMENT

The Local Government (Exclusion of Non-commercial Considerations) Order (Northern Ireland) 2015

<i>Made</i>	- - - -	<i>2015</i>
<i>Coming into operation</i>		<i>2015</i>

The Department of the Environment makes the following Order, in exercise of the powers conferred by Article 19(7) and (8) of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992(1):

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Local Government (Exclusion of Non-commercial Considerations) Order (Northern Ireland) 2015 and shall come into operation on 2015.

(2) In this Order—

“the 1992 Order” means the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992.

Matters cease to be non-commercial matters

2. The matters specified in Article 19(4)(a) of the 1992 Order (district council contracts: exclusion of non-commercial considerations) and the conduct of contractors or workers in industrial disputes between them as specified in Article 19(4)(d) of that Order shall cease to be non-commercial matters for the purposes of –

- (a) Article 19 of the 1992 Order; and
- (b) any functions regulated by Article 19 in relation to a public supply or works contract which involves a transfer of staff to which the Transfer of Undertakings (Protection of Employment) Regulations 2006(2) and the Service Provision Change (Protection of Employment) Regulations (Northern Ireland) 2006(3) may apply.

(1) [S.I. 1992/810 \(N.I. 6\)](#); Article 19 was amended by [S.I. 1997/869 \(N.I. 6\)](#), paragraph 6 of Schedule 2 and the Local Government Act (Northern Ireland) 2014 ([2014 c. 8 \(N.I.\)](#)), section 115.
(2) [S.I. 2006/246](#)
(3) [S.R. 2006 No. 177](#)

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Northern Ireland Statutory Rule: The Local Government (Exclusion of Non-commercial Considerations) Order (Northern Ireland) 2015 No. 289

Sealed with the Official Seal of the Department of the Environment on 2015.

(L.S.)

Elizabeth Loughran
A senior officer of the Department of the
Environment

EXPLANATORY NOTE

(This note is not part of the Order)

Article 19(1) of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992 (the 1992 Order) provides that (subject to Article 20 (fair employment matters), 20A (race relations matters) and 21(1) provisions supplementary to or consequential on Article 19), in exercising any of the functions mentioned in paragraph (3) of that Article in relation to public supply or works contracts, any proposed or subsisting such contract, district councils must exercise these functions without reference to certain non-commercial matters listed in paragraph (4) of that Article.

Article 2 of this Order provides that two of the matters listed in paragraph (4) (as regards the public supply or works contracts of a council or any proposed or any subsisting such contract, as the case may be) viz:-

- (c) the terms and conditions of employment by contractors of their workers or the composition of, the arrangements for the promotion, transfer or training of or the other opportunities afforded to, their workforces (paragraph 4(a)); and
- (d) the conduct of contractors or workers in industrial disputes between them (paragraph 4(d)), shall cease to be non-commercial matters for the purpose of Article 19 of the 1992 Order.