



## 2010 CHAPTER 7

### **PART 2**

#### LOCAL GOVERNMENT REORGANISATION

##### CHAPTER 3

##### STATUTORY TRANSITION COMMITTEES

###### **Statutory transition committees: constitution**

**15.—**(1) In relation to each new council there shall be a body called a statutory transition committee.

(2) A statutory transition committee shall be a body corporate to which, subject to the provisions of this Chapter, section 19 of the Interpretation Act (Northern Ireland) 1954 (c. 33) shall apply.

(3) The Department shall by regulations provide for the establishment of statutory transition committees.

(4) Those regulations shall ensure that—

- (a) the statutory transition committee in relation to the new council for the district of Belfast consists of members of the predecessor council and members of Castlereagh Borough Council and Lisburn City Council;
- (b) the statutory transition committee in relation to any other new council consists of members of the predecessor councils.

(5) Those regulations may make provision as to—

- (a) the appointment of the Chair and other members of a statutory transition committee (including the number of members to be appointed from each council mentioned in subsection (4) and any conditions to be fulfilled for appointment);

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*Status: Point in time view as at 27/03/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010, CHAPTER 3. (See end of Document for details)*

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- (b) the tenure of office of the Chair and other members (including the circumstances in which they cease to hold office or may be removed or suspended from office).
- (6) Regulations may make provision for, or in connection with—
  - (a) the procedure to be followed by statutory transition committees;
  - (b) the payment of allowances to members of statutory transition committees;
  - (c) the making available to statutory transition committees of the facilities, staff and premises of existing councils;
  - (d) such other matters in connection with the efficient and effective discharge by statutory transition committees of their functions as the Department thinks appropriate.
- (7) The Department may make payments to statutory transition committees on such terms and conditions as the Department may determine.
- (8) Except to the extent to which regulations otherwise provide, a statutory transition committee—
  - (a) is a local government body for the purposes of Part 2 of the Local Government (Northern Ireland) Order 2005 (NI 18); but
  - (b) is not to be treated as a joint committee of any existing councils.

#### **Statutory transition committees: functions**

**16.—**(1) The functions of a statutory transition committee are exercisable for the purpose of preparing for, and giving full effect to, the reorganisation of local government provided for by the Local Government (Boundaries) Act (Northern Ireland) 2008 (c. 7) and, in particular for facilitating—

- (a) the exercise of their functions by new councils as from their initial constitution; and
  - (b) the winding-up of existing councils and the transfer of their assets, liabilities and staff.
- (2) Subject to any provision made by regulations, a statutory transition committee may do anything which appears to it to be necessary or expedient for the purpose mentioned in subsection (1).
- (3) The Department may by regulations make provision for, or in connection with, conferring powers or imposing duties on statutory transition committees.
- (4) In particular, regulations may make provision for, or in connection with, conferring powers or imposing duties on a statutory transition committee to—
- (a) make a district rate (within the meaning of Article 6(3) of the Rates (Northern Ireland) Order 1977 (NI 28));
  - (b) appoint staff for the purposes of a new council.

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### **Power to modify existing legislation**

**17.—**(1) Regulations under section 15 or 16 may—

- (a) provide for any local government or rating legislation which applies in relation to an existing council to apply, with or without modifications, in relation to a statutory transition committee;
- (b) provide for any local government or rating legislation which (but for the regulations) would apply in relation to an existing council not to apply in relation to that council or to apply with modifications.

(2) In subsection (1)—

“local government legislation” means—

- (a) the Local Government Act (Northern Ireland) 1972 (c. 9);
- (b) the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 2002 (NI 3);
- (c) Part 2 of the Local Government (Northern Ireland) Order 2005 (NI 18);
- (d) Chapter 2; and
- (e) any regulations or orders made under any of the above;

“rating legislation” means—

- (a) the Rates (Northern Ireland) Order 1977 (NI 28); and
- (b) any regulations or orders made under that Order.

### **Guidance to statutory transition committees**

**18.—**(1) The Department may issue guidance to statutory transition committees as to the exercise of their functions.

(2) It is the duty of a statutory transition committee to have regard to any guidance issued by the Department.

**Status:**

Point in time view as at 27/03/2010.

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010, CHAPTER 3.