



Local Government Act (Northern Ireland) 2014

CHAPTER 8

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 2014

PART 1

COUNCILS

1. Names of councils
2. Constitutions of councils

PART 2

DISQUALIFICATIONS

3. Disqualifications for being councillors
4. Disqualification of councillors for being independent members of policing and community safety partnerships
5. Disqualification of holders of prescribed offices and employments

PART 3

POSITIONS OF RESPONSIBILITY

6. Positions of responsibility

PART 4

DISCHARGE OF FUNCTIONS

Arrangements for discharge of functions

7. Arrangements for discharge of functions of council
8. Arrangements by one council for discharge of functions by another council
9. Arrangements for discharge of functions by councils jointly
10. Exercise of functions not prevented by arrangements under this Part

Appointment of committees etc.

11. Appointment of committees etc. for the purpose of discharging functions
12. Appointment of committee to advise on discharge of functions
13. Appointment of councillors to committees, etc.

Supplementary

14. Joint committees: further provisions
15. Disqualification for membership of committees
16. Declaration required of persons who are not members of council
17. Voting rights of persons who are not members of council
18. Termination of membership on ceasing to be member of council

PART 5

PERMITTED FORMS OF GOVERNANCE

19. Permitted forms of governance
20. Power to prescribe additional permitted governance arrangements

PART 6

EXECUTIVE ARRANGEMENTS

Council executives

21. Council executives

Executive functions

22. Functions which are the responsibility of an executive
23. Functions of an executive: further provision

Allocation and discharge of functions

- 24. Allocation and discharge of functions
- 25. Discharge of functions of and by another council
- 26. Joint exercise of functions

Overview and scrutiny committees

- 27. Overview and scrutiny committees: functions
- 28. Overview and scrutiny committees: supplementary provision
- 29. Scrutiny officers
- 30. Reference of matters to overview and scrutiny committee etc.
- 31. Dealing with references under section 30(1)(c)
- 32. Duty of council or executive to respond to overview and scrutiny committee
- 33. Publication etc. of reports, recommendations and responses: confidential and exempt information

Meetings and access to information etc.

- 34. Meetings and access to information etc.
- 35. Meetings and access to information etc.: further provision and regulations

PART 7

MEETINGS AND PROCEEDINGS

General

- 36. Meetings and proceedings

Standing orders

- 37. Standing orders
- 38. Regulations about standing orders

Decision-making

- 39. Simple majority
- 40. Qualified majority
- 41. Power to require decisions to be reconsidered

PART 8

ACCESS TO MEETINGS AND DOCUMENTS

- 42. Admission to meetings of councils
- 43. Access to agenda and connected reports
- 44. Inspection of minutes and other documents after meetings

- 45. Inspection of background papers
- 46. Application to committees and sub-committees
- 47. Audio recording of meetings
- 48. Additional rights of access to documents for members of councils
- 49. Councils to publish additional information
- 50. Supplemental provisions and offences
- 51. Exempt information and power to vary Schedule 6
- 52. Interpretation and application of this Part

PART 9

CONDUCT OF COUNCILLORS

Code of conduct

- 53. Code of conduct

Guidance

- 54. Guidance

Investigations

- 55. Investigations
- 56. Investigations: further provisions

Reports, etc.

- 57. Reports, etc.
- 58. Interim reports

Decisions and recommendations

- 59. Decision following report
- 60. Decisions on interim reports
- 61. Recommendations

Disclosure and registration of councillors' interests, etc.

- 62. Disclosure and registration of councillors' interests, etc.

Miscellaneous

- 63. Extension of 1996 Order
- 64. Expenditure of Commissioner under this Act
- 65. Interpretation

PART 10

COMMUNITY PLANNING

General

- 66. Community planning
- 67. Community planning partners

Community plan

- 68. Production of community plan
- 69. Duty to review community plan
- 70. Review of community plan
- 71. Monitoring
- 72. Implementation

Community involvement

- 73. Community involvement

Miscellaneous

- 74. Guidance
- 75. Duties of departments in relation to community planning
- 76. Establishment of bodies corporate
- 77. Amendments of the Planning Act (Northern Ireland) 2011
- 78. Interpretation

PART 11

GENERAL POWERS OF COUNCILS

- 79. Council's general power of competence
- 80. Boundaries of the general power
- 81. Limits on charging in exercise of general power
- 82. Powers to make supplemental provision
- 83. Limits on power conferred by section 82(1)

PART 12

PERFORMANCE IMPROVEMENT

General duty

- 84. Improvement: general duty

Improvement objectives

- 85. Improvement objectives

Improvement: supplementary

- 86. Improvement: supplementary
- 87. Consultation on improvement duties

88. Appropriate arrangements under sections 84(1) and 85(2)

Performance indicators and performance standards

89. Performance indicators and performance standards

Improvement planning and information

90. Collection of information relating to performance
91. Use of performance information
92. Improvement planning and publication of improvement information

Improvement audits and assessments

93. Improvement information and planning
94. Improvement assessments
95. Audit and assessment reports
96. Response to section 95 reports
97. Annual improvement reports

Special inspections

98. Special inspections
99. Reports of special inspections

Powers of direction, etc.

100. Powers of direction, etc.

Supplementary

101. Power to modify statutory provisions and confer new powers
102. Application of certain local government audit provisions

PART 13

PARTNERSHIP PANEL

103. Partnership Panel

PART 14

SUPERVISION OF COUNCILS BY NORTHERN IRELAND DEPARTMENTS

104. Power of any Northern Ireland department to direct council to make reports etc.
105. Inquiries and investigations
106. Power of any Northern Ireland department to intervene in case of default by council
107. International obligations

PART 15

AMENDMENTS OF THE 2005 ORDER

- 108. The local government auditor
- 109. Power to repeal provisions relating to surcharge, etc.
- 110. Minor and consequential amendments

PART 16

MISCELLANEOUS

Guidance

- 111. Guidance

Rates

- 112. Transitional rate relief in consequence of changes in local government districts
- 113. Commencement of the Local Government (Boundaries) Order (Northern Ireland) 2012

Transferred functions grant

- 114. Transferred functions grant

Contracts and disposals

- 115. Exclusion of non-commercial considerations
- 116. Control of disposals and contracts of existing councils and their finances

Payments for special purposes etc.

- 117. Payments for special purposes and public appeals

Persons ceasing to hold office and unqualified person

- 118. Persons ceasing to hold office
- 119. Validity of acts done by unqualified person

Power to dissolve Local Government Staff Commission

- 120. Power to dissolve the Local Government Staff Commission for Northern Ireland

Insurance

- 121. Insurance against accidents to councillors

Transfer schemes

- 122. Schemes for transfers of assets and liabilities
- 123. Compensation for loss of office or diminution of emoluments

Provisions for the purposes of this Act and other purposes

- 124. Supplementary and transitional provisions for the purposes of this Act and other purposes

Council websites

- 125. Council websites

Supplementary

- 126. Interpretation
- 127. Regulations and orders
- 128. Minor and consequential amendments and repeals
- 129. Commencement
- 130. Short title

SCHEDULES

SCHEDULE 1 — POSITIONS OF RESPONSIBILITY

PART 1 — FILLING POSITIONS OF RESPONSIBILITY BY
NOMINATION

Application of this Part

- 1. The following provisions of this Part apply unless at the...

Selection of positions of responsibility etc. by nominating officers

- 2. (1) At the first annual meeting of a council after...

The formula

- 3. (1) Subject to sub-paragraphs (2) and (3), the formula is—...

Vacancies

- 4. (1) Where a position of responsibility becomes vacant before the...

Selection of members at subsequent annual meetings

- 5. (1) At each subsequent annual meeting each nominating officer of...

New positions of responsibility

6. (1) Where a new position of responsibility arises after the...
PART 2 — FILLING POSITIONS OF RESPONSIBILITY BY
ELECTION

Application of this Part

7. This Part applies only if the council so decides as...

Election to positions of responsibility

8. At the first annual meeting of a council after a...

Vacancies

9. Where a position of responsibility becomes vacant before the
end...

New positions of responsibility

10. Where a new position of responsibility arises after the annual...

Method of election

11. (1) Elections under this Part must be by single transferable...
PART 3 — CHAIRS AND DEPUTY CHAIRS

Chairs and deputy chairs of council and committees

12. (1) In relation to each council there must be—

Chair of council continues until successor takes up office

13. (1) Until a successor takes up office the chair of...

Chair of council ceases to hold office if absent from district

14. (1) The chair of a council who is continuously absent...

Deputy chair of council

15. (1) Subject to any standing orders made by the council,...
PART 4 — GENERAL

Interpretation

16. (1) In this Schedule— “1962 Act” means the Electoral Law...

Cases where persons cease to hold positions of responsibility

17. (1) A person ceases to hold a position of responsibility...

SCHEDULE 2 — APPOINTMENT OF COUNCILLORS TO COMMITTEES, ETC.

Exclusion of positions of responsibility

1. Paragraphs 2 to 4 do not apply if Schedule 1...

Appointment of councillors to committees

2. (1) Where a council appoints a committee—

Quota

3. (1) The quota for the purposes of paragraph 2 must...

Vacancies

4. Regulations may make provision in relation to the filling of...

Appointment of more than one committee

5. Standing orders shall provide for the application of paragraphs 2...

Joint committees

6. Regulations may provide for paragraphs 2 to 4 to apply...

SCHEDULE 3 — DECLARATION ON APPOINTMENT TO COMMITTEE OF PERSON WHO IS NOT A COUNCILLOR

SCHEDULE 4 — OVERVIEW AND SCRUTINY COMMITTEES: VOTING RIGHTS OF CO-OPTED MEMBERS

Voting rights schemes

1. (1) A council may permit a co-opted member of an...

Regulations

2. (1) The Department may by regulations make provision about the...
3. (1) A council which makes a scheme for the purposes...

SCHEDULE 5 — MEETINGS AND PROCEEDINGS

Annual meetings

1. (1) A council must hold an annual meeting in June...

Other meetings for transaction of general business

2. The council may hold such other meetings as the council...

Convening meetings

3. The chair may call a meeting of the council at...

Requisition for meeting

4. (1) If a requisition from not less than five members...

Notice of meeting and summons to attend

5. (1) At least three days before a meeting of the...

Who presides at meetings

6. (1) The chair of the council, if present, must preside....

Quorum

7. (1) Subject to sub-paragraph (2), no business may be transacted...

Names of members present to be recorded

8. The names of the members present at a meeting of...

Person authorised by the Department may attend meetings

9. A person who is authorised in writing by the Department...

Minutes

10. (1) Minutes of the proceedings of a meeting of the...

Vacancies, etc., not to invalidate proceedings

11. The proceedings of a council are not invalidated by—

Committees, sub-committees and joint committees

12. Paragraphs 8 to 11 apply to a committee or sub-committee...

Interpretation

13. In this Schedule— “election day”; and “local election year”, have...

SCHEDULE 6 — ACCESS TO INFORMATION: EXEMPT INFORMATION

PART 1 — DESCRIPTIONS OF EXEMPT INFORMATION

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an...
3. Information relating to the financial or business affairs of any...
4. Information relating to any consultations or negotiations, or contemplated consultations...
5. Information in relation to which a claim to legal professional...
6. Information which reveals that the council proposes—
7. Information relating to any action taken or to be taken...

PART 2 — QUALIFICATIONS

8. Information falling within paragraph 3 is not exempt information by...
9. Information which— (a) falls within any of paragraphs 1 to...

PART 3 — INTERPRETATION

10. (1) In this Schedule— “employee” means a person employed under...

SCHEDULE 7 — MINOR AND CONSEQUENTIAL AMENDMENTS
RELATING TO LOCAL GOVERNMENT AUDIT

Local Government (Northern Ireland) Order 2005 (NI 18)

1. In Article 3 (audit of accounts of councils, etc.), in...
2. (1) Amend Article 5 (code of audit practice) as follows....
3. (1) Amend Article 6 (general duties of local government auditors)...
4. (1) Amend Article 7 (auditors’ right to documents and information)...
5. In Article 8 (audit fees) for “local government auditors such...
6. (1) In Article 9 (immediate and other reports in the...
7. (1) Amend Article 10 (general report) as follows.
8. (1) Amend Article 11 (transmission and consideration of Article 9...
9. (1) Amend Article 12 (consideration of reports or recommendations) as...
10. (1) Amend Article 13 (publicity for meeting under Article 12)...
11. (1) Amend Article 14 (additional publicity for immediate report) as...
12. (1) Amend Article 15 (additional publicity for non-immediate report) as...
13. (1) Amend Article 16 (inspection of statements of accounts and...
14. In Article 17 (inspection of documents and questions at audit),...

15. (1) Amend Article 18 (right to make objections at audit)...
16. (1) Amend Article 21 (power of auditor to apply for...
17. In Article 22 (extraordinary audits and inspections), in paragraph (1)...
18. In Article 23 (provision for the audit of accounts of...
19. (1) Amend Article 25 (certification of claims, returns, etc.) as...
20. (1) Amend Article 26 (studies for improving economy, efficiency and...
21. (1) Amend Article 27 (restriction on disclosure of information) as...

SCHEDULE 8 — TRANSFER SCHEMES

Transfer of assets and liabilities

1. (1) A scheme— (a) may provide for the transfer of...

Transfer of staff

2. (1) This paragraph applies if rights and liabilities under a...

Continuity

3. (1) In any statutory provision or document—

SCHEDULE 9 — MINOR AND CONSEQUENTIAL AMENDMENTS: GENERAL

Local Government Act (Northern Ireland) 1972 (c.9)

1. In section 9 (vacation of office on account of non-attendance)
—...
2. In section 42 (councillors not to be appointed officers)—
3. In section 143 (orders and regulations), for “115(2A)”
substitute “4(1)(a)...
4. In Part 1 of Schedule 1 (declaration of councillor on...

Deregulation and Contracting Out (Northern Ireland) Order 1996 (NI 11)

5. In Article 2(2) (interpretation), in the definition of “joint committee”...

Local Government (Northern Ireland) Order 2005 (NI 18)

6. (1) In Article 12(7) (consideration of reports or recommendations), for...

Status: This is the original version (as it was originally enacted).

Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010 (c.7)

7. In section 17 (power to modify legislation), in subsection (2)...

Planning Act (Northern Ireland) 2011 (c. 25)

8. In section 79(4) (land belonging to councils and development by...

SCHEDULE 10 — REPEALS