



2014 CHAPTER 8

PART 16

MISCELLANEOUS

*Contracts and disposals*

**Exclusion of non-commercial considerations**

**115.** In Article 19 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992 (council contracts: exclusion of non-commercial considerations), after paragraph (6) there shall be added the following paragraphs—

“(7) The Department may by order provide, in relation to councils, for a specified matter to cease to be a non-commercial matter for the purposes of this Article.

(8) An order under paragraph (7) may—

- (a) provide for a matter to cease to be a non-commercial matter for specified purposes or to a specified extent;
- (b) apply in relation to specified councils, functions or contracts;
- (c) amend a statutory provision;
- (d) include supplementary, incidental, consequential and transitional provisions.

(9) No order shall be made under paragraph (7) unless a draft of the order has been laid before, and approved by resolution of, the Assembly.”

**Control of disposals and contracts of existing councils and their finances**

**116.**—(1) Chapter 2 of Part 2 of the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010 (control of disposals and contracts of existing councils) is amended as follows.

(2) At the end of the heading to Chapter 2 there shall be added the words “AND THEIR FINANCES”.

(3) In section 10 (control of disposals and contracts of existing councils)—

(a) at the end of the heading there shall be added the words “and their finances”;

(b) in subsection (1), after the words “consent of” there shall be added the words “its successor council or”;

(c) at the end of subsection (1) there shall be added the following paragraphs—

“(d) borrow any sum exceeding a specified sum (or any sums exceeding in total any specified sum);

(e) reduce any financial reserve of a specified description below a specified limit.”;

(d) in subsection (3), after the words “consent of” there shall be inserted the words “a successor council or”.

(4) In section 11 (directions: supplementary), in subsection (4)(b) after the words “council concerned and ” there shall be inserted the words “its successor council or”.

(5) In section 13 (referral to Department where consent refused or granted subject to conditions)—

(a) in subsection (1)—

(i) in paragraph (a), after the words “consent of” there shall be inserted the words “a successor council or”;

(ii) in paragraph (b), after the words “refused by” there shall be inserted the words “the successor council or”;

(b) in subsection (2), after the words “decision of” there shall be inserted the words “the successor council or”;

(c) in subsection (3), omit the words “of a statutory transition committee”;

(d) in subsection (4)(a), after the words “made by the” there shall be inserted the words “successor council or”.