



EXPLANATORY NOTES

Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015

Chapter 3

OFF-STREET PARKING (FUNCTIONS OF DISTRICT COUNCILS) ACT (NORTHERN IRELAND) 2015

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes relate to the Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 which received Royal Assent on 12 March 2015. They have been prepared by the Department for Regional Development in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by the Assembly.
2. The Notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a Section or part of a section does not seem to require an explanation or comment, none is given.

BACKGROUND AND POLICY OBJECTIVES

3. In March 2008 the Northern Ireland Executive agreed proposals for the reform of local government as part of the Review of Public Administration (RPA). These proposals included the transfer of certain functions to district councils that are currently exercised by central government Departments.
4. Initially, 11 local roads functions were identified as being suitable for transfer to local government. Detailed discussions between officials from the Department, the Department of the Environment and representatives of local government about the detail of the functions proposed to transfer ensued. During those meetings local government representatives proposed a number of changes to the functions identified for potential transfer.
5. In August 2009, a refined suite of public realm functions requested by local government were agreed. This would have seen the creation of powers enabling district councils to authorise local road race events; issue access permits to pedestrian zones and to enforce parking contraventions on roads and in off-street car parks.
6. The Department consulted on a Roads (Functions of District Councils) Bill between April and July 2010. However, the Bill was withdrawn from the legislative programme since the arrangements for introduction of the new council structure had been delayed and it would have been impractical to introduce the proposed arrangements in the Bill across the existing 26 district councils.
7. In April 2013 the Northern Ireland Executive reconsidered the position regarding the transfer of certain road related functions to the councils and concluded that district councils should become responsible for the future ownership, management and operation of off-street parking places and the enforcement of parking contraventions occurring in such parking places. Park and ride and park and share car parks would remain the responsibility of the Department.

8. To achieve that vision all assets and liabilities relating to the ownership, management and operation of off-street car parks would need to transfer to councils. That will be achieved through Transfer Schemes provided for in the Local Government Act (Northern Ireland) 2014 (c.8).
9. In addition, legislative powers in relation to the provision, operation and management of off-street car parks and enforcement therein would be required in order for councils to implement this vision.

CONSULTATION

10. The Department's proposals for an Off-street (Functions of District Councils) Bill were consulted on between 23 June and 8 August 2014.
11. Seventeen responses to the consultation were received. The Consultation Paper may be viewed at <http://www.drdni.gov.uk/index/publications/publications-details.htm?docid=9791>

OVERVIEW

12. The Act consists of one section.

COMMENTARY ON CLAUSES

The Act contains only one section. Subsection (1) of section 1 provides that the functions presently exercised by the Department under Articles 10 to 14 and 25 to 27 of the Road Traffic Regulation (Northern Ireland) Order 1997 will transfer to the councils with effect from 1 April 2015.

Subsection (2) makes it clear that those functions do not include functions relating to park and ride or park and share parking places nor the making of regulations.

Subsection (3) of section 1 provides that the functions presently exercised by the Department under Articles 3 to 28 of the Traffic Management (Northern Ireland) Order 2005 will become exercisable, from 1 April 2015, by district councils in relation to relevant contraventions occurring within off-street car parks within their districts. Subsection (4) defines relevant contraventions.

Subsection (5) makes it clear that functions relating to contraventions occurring in park and ride and park and share parking places and functions regarding the making of regulations will not become exercisable by the councils.

HANSARD REPORTS

13. The following table sets out the dates for the Hansard reports for each stage of the Act's passage through the Assembly.

Stage	Date
Introduction to the Assembly	13 October 2014
Second Stage Debate	21 October 2014
Committee Stage – evidence from Northern Ireland Independent Retail Trade Association and Portadown Chamber of Commerce	12 November 2014
Committee Stage – evidence from Belfast City Council, Northern Ireland Local Government Association, Mid and East Antrim District Council, Antrim and Newtownabbey District Council	19 November 2014
Committee Stage – evidence from Mid Ulster Council, Fermanagh and Omagh District Council and Departmental briefing.	26 November 2014
Consideration Stage Debate	13 January 2015
Further Consideration Stage Debate	26 January 2015
Final Stage	3 February 2015
Royal Assent	12 March 2015



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