

LOCAL GOVERNMENT (NORTHERN IRELAND) ORDER 2005

S.I. 2005 1968

EXPLANATORY MEMORANDUM

COMMENTARY ON ARTICLES

12. A commentary on the provisions follows below (comments are not given where the wording is self-explanatory):
[Articles 1-2](#) are concerned with introductory provisions;
[Articles 3-28](#) are concerned with audit provisions;
[Article 29](#) is concerned with emergency planning provisions;
[Article 30](#) is concerned with the use of fixed penalty receipts;
[Article 31](#) is concerned with cosmetic piercing and skin-colouring businesses;
[Article 32](#) is concerned with the alteration of the limit on expenditure by councils on special purposes;
[Article 33](#) is concerned with the provision of indemnities; and
[Article 34](#) is concerned with the preparation of annual statements relating to any funds maintained under the local government superannuation regulations.

Article 7 - Auditors' right to documents and information

13. This Article gives a local government auditor the right of access to every document relating to a local government body under audit, thereby enabling the auditor to obtain documents that are in the possession of a third party. The Article also provides that an auditor may require persons to provide an explanation or, if necessary, to appear before him to explain or provide documents which the auditor considers necessary for audit purposes.

Article 9 - Immediate and other reports in the public interest

14. This Article permits an auditor to make a report, on grounds that it would be in the public interest, about any matter that comes to his notice during an audit so that the matter can be considered by the local government body concerned or brought to the attention of the public.

Article 12 - Consideration of reports or recommendations

15. This Article requires a local government body to consider a report made to it under Article 9 (and any recommendation which the auditor might make) at a meeting to be held within one month of the report or recommendation having been sent. At that meeting, the body must decide what, if any, action to take in response to the report or recommendation. The Article also enables the auditor to extend the time for a body to comply with these duties.

Article 13 - Publicity for meeting under Article 12

16. This Article requires that, before holding a meeting as required by Article 12, a local government body must publish details of the meeting, at least 7 days prior to the

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meeting, in at least 2 newspapers. The Article also requires that, following the meeting, the body must publish a notice containing a summary of its decisions, which has been approved by the auditor, in at least 2 newspapers.

Article 23 - Provision for the audit of accounts of officers

17. This Article enables an auditor to audit the accounts of any officer of a local government body who has received money or other property on behalf of, or for which he ought to account to, that body.

Article 26 - Studies for improving economy, efficiency and effectiveness

18. This Article enables the Department or the chief local government auditor to initiate studies, carried out by auditors, with a view to making recommendations for improving economy, efficiency and effectiveness in the provision of services by local government bodies.

Article 29 - Powers of district councils in relation to emergencies

19. This Article gives district councils powers to make emergency planning arrangements with other bodies or persons to prevent or to mitigate the effects of any emergencies that might occur in their areas and to implement those arrangements should any emergencies occur.

Article 30 - Use of fixed penalty receipts

20. This Article amends Article 6 of the Litter (NI) Order 1994 enabling councils to retain receipts from fixed penalty notices issued for littering and dog-fouling. Currently these receipts are paid to the Department. The Article enables councils to use the receipts to carry out their enforcement functions under the 1994 Order and any other functions that the Department might specify in regulations.

Article 31 and Schedule 2 - Regulation of cosmetic piercing and skin-colouring businesses

21. This Article extends the provisions in the Local Government (Miscellaneous Provisions) Order 1985 relating to ear-piercing and tattooing to cosmetic piercing (i.e. body-piercing, including ear-piercing) and semi-permanent skin-colouring (i.e. semi-permanent make-up and temporary tattooing). This will allow councils to regulate these practices by way of registration and the making and enforcing of bye-laws relating to the cleanliness and hygiene of the premises and employees.
22. **Schedule 2** provides transitional provisions which will exempt businesses, already registered with councils for ear-piercing, from re-applying until such time as they wish to provide another form of body piercing.

Article 32 - Alteration of limit on expenditure under [section 115 of the principal Act](#)

23. This Article amends section 115 of the Local Government (Northern Ireland) Act 1972 (c.9) to permit the Department to make regulations varying the specified limit which councils can spend on special purposes for the general benefit of their areas and inhabitants. Currently any variation of such amounts can only be done by means of primary legislation.

Article 33 - Indemnification of members and officers of councils

24. This Article enables the Department to make orders for, or in connection with, conferring power on councils to provide indemnities to some or all of their members and officers.

Article 34 - Annual statements under local government superannuation regulations

25. This Article amends Article 9 of the Superannuation (Northern Ireland) Order 1972 (NI 10) to provide that regulations made under Article 9 may require any financial statement relating to any fund maintained under the regulations to be prepared in accordance with guidance issued by the Department of Finance and Personnel.