
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 44

**The Local Government (Executive Arrangements)
Regulations (Northern Ireland) 2015**

PART 2

Functions and responsibilities

Function not to be the sole responsibility of a council's executive

5.—(1) In connection with the discharge of the function—

- (a) of formulating or preparing a plan or strategy of a description specified in column (1) of Schedule 3 (functions not to be the sole responsibility of a council's executive);
- (b) of formulating a plan or strategy for the control of the council's borrowing or capital expenditure; or
- (c) of formulating or preparing any other plan or strategy whose adoption or approval is, by virtue of regulation 6(1), a matter for determination by the council,

the actions designated by paragraph (3) (“the paragraph (3) actions”), shall not be the responsibility of an executive of the council.

(2) Except to the extent of the paragraph (3) actions, such function mentioned in paragraph (1) shall be the responsibility of such an executive.

(3) The actions designated by this paragraph are—

- (a) the giving of instructions requiring the executive to reconsider any draft plan or strategy submitted by the executive for the council's consideration;
- (b) the amendment of any draft plan or strategy submitted by the executive for the council's consideration;
- (c) the approval, for the purpose of its submission to a Northern Ireland department for its approval, of any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; and
- (d) the adoption (with or without modification) of the plan or strategy.

(4) The function of amending, modifying, varying or revoking any plan or strategy of a description referred to in paragraph (1), (whether approved or adopted, before or after the coming into operation of these Regulations)—

- (a) shall be the responsibility of the executive to the extent that the making of the amendment, modification, variation or revocation—
 - (i) is required for giving effect to requirements of a Northern Ireland department in relation to a plan or strategy submitted for its approval, or to any part so submitted; or
 - (ii) is authorised by a determination made by the council when approving or adopting the plan or strategy, as the case may be; and

(b) shall not be the responsibility of such an executive to any other extent.

(5) Section 7 of the 2014 Act (arrangements for discharge of functions of council) shall not apply with respect to the discharge—

(a) of a function specified in paragraph (1) to the extent that, by virtue of that paragraph, it is not the responsibility of an executive of the council; and

(b) of the functions specified in paragraph (4) to the extent that they are not the responsibility of an executive of the council.

(6) Subject to paragraph (7) in connection with the discharge of the function of—

(a) making a calculation in accordance with section 3 of the 2011 Act (annual budget), whether originally or by way of substitute; or

(b) notifying a rate under Part II of the Rates (Northern Ireland) Order 1977 (rating), the actions designated by paragraph (8) (“the paragraph (8) actions”),

shall be the responsibility of an executive of the council.

(7) Except to the extent of the paragraph (8) actions, such function mentioned in paragraph (6) shall not be the responsibility of such an executive.

(8) The actions designated by this paragraph are—

(a) the preparation, for submission to the council for its consideration, of—

(i) estimates of the amounts to be aggregated in making the calculation or of other amounts to be used for the purposes of the calculation and estimates of the calculation; or

(ii) the amounts required to be stated in the rate;

(b) the reconsideration of those estimates and amounts in accordance with the council’s requirements; and

(c) the submission for the council’s consideration of revised estimates and amounts.