

FINANCE RELATED LEGISLATION

CATEGORIES

- 1 Councillors** - Separate report to Minister will cover main provisions
- 2 Officers of Councils** - Review all provisions
- 3 Financial Arrangements** - General Grant provisions relate to current financing of local government and may need reviewed
- Review all other provisions
- 4 Borrowings** - Review all provisions
- 5 Acquisition of Property** - Review all provisions
- 6 Contracts** - Review all provisions
- 7 Audit of District Councils' Accounts** - Recently updated
- 8 Miscellaneous** - Review all provisions (mainly related to fines)

FINANCE RELATED LEGISLATION

Category 1 – Councillors		
Section	Detail	Comments
The Local Government Act (Northern Ireland) 1972		
6	Penalties for acting while disqualified	Fine
12	Payment of allowance to chairman	Councillors' Remuneration Working Group – Report
13	Vice-chairman	
28	Disclosure of councillors' pecuniary interests and disability from voting on account thereof	Fine
29	Restrictions on application of section 28	
30	Relatives of councillors	Fine
31	Recovery of wrongful gains and remedies against councillors guilty of reprehensible conduct	
32	Ancillary powers of the High Court in exercising jurisdiction under section 31	

FINANCE RELATED LEGISLATION

Category 1 – Councillors		
Section	Detail	Comments
33	Time limit for proceedings under sections 28, 30 and 31	
36	Payments to councillors	Councillors' Remuneration Working Group – Report
37	Expenses of official and courtesy visits, etc	
38	Expenses incurred in attending conferences and meetings	
39	Insurance against accidents to councillors	
The Local Government (Miscellaneous Provisions) (NI) Order 1985		
24 (1972-13)	Payment of allowance to vice-chairman of council	Councillors' Remuneration Working Group Report

FINANCE RELATED LEGISLATION

Category 2 – Officers of Councils		
Section	Detail	Comments
The Local Government Act (Northern Ireland) 1972		
41B	Loans to officers for purchase of motor cars or motor cycles	
45	Insurance against default of officers	
46	Duty of officers to disclose pecuniary interest	Fine
47	Prohibition of acceptance of unauthorised fee or reward	Fine
47A	Delegation of functions to officers	
136	Superannuation of officers	
137	Compensation of officers	
The Local Government (Miscellaneous Provisions) (NI) Order 1985		
25 (1972 – 41B)	Loans to officers for purchase of motor cars or motor cycles	
26 (1972 – 47A)	Delegation of functions to officers	

FINANCE RELATED LEGISLATION

Category 2 – Officers of Councils

Section	Detail	Comments
The Local Government (Miscellaneous Provisions) (NI) Order 1992		
35 (1972 - 41)	Appointment and management of officers	DOE may make determination.
36	Public inspection of accounts and documents and right of challenge	
Local Government (Northern Ireland) Order 2005		
34	Annual statements under local government Superannuation regulations	DFP may issue guidance.

FINANCE RELATED LEGISLATION

Category 3 – Financial Arrangements		
Section	Detail	Comments
The Local Government Act (Northern Ireland) 1972		
53	Annual budget	
54.	Arrangements for handling receipts and payments	
55	The district fund	
56	Power to establish capital fund and renewal and repairs fund	
57	Capital fund	DOE approval required
58	Renewal and repairs fund	DOE approval required
59	Proceeds of sale of capital assets	DOE approval required
60	Limitation on application of funds	
101	Power to promote or oppose local or personal Bills	
103	Taxation of costs	

FINANCE RELATED LEGISLATION

Category 3 – Financial Arrangements		
Section	Detail	Comments
106	Contributions to other councils, etc.	
107	Contributions for development of trade, tourism and cultural activities	
108	Contributions to other voluntary bodies	
111	Subscriptions	
112	Insurance	
113A	Power to provide advice and assistance	DOE approval required
115	Expenditure for special purposes	Expenditure limit determined by the DOE. Likely to be replaced by new power of 'well being'
145	Payments due by councils to government departments, etc.	
Schedule 3	The Staff Commission (Section 40)	
Schedule 4 Part 1, Para.7	Local Government Boundaries Commissioner (Section 50) Remuneration and expenses	
Schedule 5	Sinking funds (Section 65)	

FINANCE RELATED LEGISLATION

Category 3 – Financial Arrangements

Section	Detail	Comments
The Local Government (Miscellaneous Provisions) (NI) Order 1985		
3	Licensing of places of entertainment	Fees determined by DOE
4	Licensing of sex establishments	
17	Provision of crematorium by council	DOE may make regulations
22	Payment of sums due to deceased or mentally disordered officers of council.	
Schedule 2 Para. 19 Para. 22 Para. 23(2) Para. 25(6)	Licensing of sex establishments (Article 4) Fees Enforcement Offences relating to persons under 18 Powers of constables and council officers	Fee determined by the Council Fine Fine Fine
The Local Government (Miscellaneous Provisions) (NI) Order 1992		
26	Emergency financial assistance to councils	
27	Promotion of safety in the home	

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Category 3 – Financial Arrangements

Section	Detail	Comments
40 (1972 – 115)	Expenditure for special purposes	Likely to be replaced by new power of ‘well being’
44	Joint Committees	
52	Entertainments licence	DOE may make determination
The Local Government (Miscellaneous Provisions) (NI) Order 1995		
7 (1972 – 13A)	Power to provide advice and assistance	DOE consent required
8 (1972 – 115)	Contributions to public appeals	
Local Government (Miscellaneous Provisions) (NI) Order 2002		
3	The general grant to district councils	All provisions subject to decisions re future financing of Local Government.
4	Determination of the resources element	
5	Determination of the derating element	
6	Reductions in general grant	

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Category 3 – Financial Arrangements		
Section	Detail	Comments
7	Other grants to councils	
8	Powers of district councils in relation to economic development	DCs must have regard to DETI guidance.
9	Powers of district councils in relation to community safety	DOE may make Order, to confer other functions relating to the enhancement of community safety in their districts.
Local Government (Northern Ireland) Order 2005		
29	Powers of district councils in relation to emergencies	DOE may make Order DOE may make guidance DOE may make determination DFP consent is required
32	Alteration of limit on expenditure under section 115 of the principal Act	DOE may make Regulations. Likely to be replaced by new power of ‘well being’.

- NB.
- i. Provision relating to VAT refunds should be considered (s33 of the VAT Act – refund scheme)
 - ii. Other (to be considered)

FINANCE RELATED LEGISLATION

Category 4 – Borrowings		
Section	Detail	Comments
The Local Government Act (Northern Ireland) 1972		
61	Purposes for which money may be borrowed	DOE approval required
62	Modes of borrowing	DFP approval (Consolidated Fund/ prescribed method other than those listed)
63	Security for borrowing	
64	Priority of securities.	
65	Repayment of money borrowed.	
66	Power to suspend annual provision for repayment of, and to borrow for payment of interest on, certain borrowed money.	DOE approval required
67	Application of unexpended portion of borrowed money.	DOE approval required
68	Power to re-borrow.	
69	Lenders relieved from certain inquiries.	
70	Securities regulations.	DOE may make regulations

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Category 4 – Borrowings		
Section	Detail	Comments
71	Appointment of receiver.	DOE may make regulations Fine
72	Consolidated loans fund.	Also refers to Category 3 DOE approval required
73	Use of money forming part of capital fund or renewal and repairs fund.	Also refers to Category 3 DOE approval required

FINANCE RELATED LEGISLATION

Category 5 – Acquisition of Property		
Section	Detail	Comments
The Local Government Act (Northern Ireland) 1972		
95	Provisions of offices, halls, etc.	
96	Acquisition etc., of land	DOE approval required
97	Acquisition of land otherwise than by agreement	DOE approval required DFP consent required
98	Power to enter on land.	Fine
Schedule 6	Acquisition of land by vesting order (Section 97)	
Para 3	Making of vesting order	

FINANCE RELATED LEGISLATION

Category 6 – Contracts		
Section	Detail	Comments
The Local Government Act (Northern Ireland) 1972		
99	Contracts of councils	DOE approval required Issue of DOE directions.
100	Sealing of contracts	DOE power to make Order
The Local Government (Miscellaneous Provisions) (NI) Order 1995		
6 (1972 – 100)	Sealing of contracts: increase in limit	DOE may make Order.

FINANCE RELATED LEGISLATION

Category 7 – Audit of District Councils’ Accounts		
Section	Detail	Comments
The Local Government (Northern Ireland) Order 2005		
3	Audit of accounts of councils, etc	Updates provisions for the audit of district councils’ accounts and brings them into line with other regions.
4	Local government auditors	
5	Code of audit practice	
6	General duties of local government auditors	
7	Auditors’ right to documents and information	
8	Audit fees	
9	Immediate and other reports in the public interest	
10	General report	
11	Transmission and consideration of Article 9 reports	
12	Consideration of reports or recommendations	

FINANCE RELATED LEGISLATION

Category 7 – Audit of District Councils’ Accounts

Section	Detail	Comments
13	Publicity for meeting under Article 12	Updates provisions for the audit of district councils’ accounts and brings them into line with other regions.
14	Additional publicity for immediate report	
15	Additional publicity for non-immediate report	
16	Inspection of statements of accounts and auditors’ reports	
17	Inspection of documents and questions of audit	
18	Right to make objections at audit	
19	Declaration that item of account is unlawful	
20	Recovery of amount not accounted for, etc	
21	Power of auditor to apply for judicial review	
22	Extraordinary audits and inspections	
23	Provision for the audit of accounts of officers	

FINANCE RELATED LEGISLATION

Category 7 – Audit of District Councils’ Accounts		
Section	Detail	Comments
24	Regulations as to accounts and audit	
25	Certification of claims, returns, etc	
26	Studies for improving economy, efficiency and effectiveness	Updates provisions for the audit of district councils’ accounts and brings them into line with other regions.
27	Restriction on disclosure of information	
28	Amendments and repeals	

FINANCE RELATED LEGISLATION

Category 8 – Miscellaneous		
Section	Detail	Comments
The Local Government Act (Northern Ireland) 1972		
92	Penalties for contravention of bye-laws	Fine
123	Penalty for destroying notices	Fine
126	Compensation for damage by council	
129	Default of council	DOE power to make Order
146	Interpretation: Pecuniary interests	

FINANCE RELATED LEGISLATION

Category 8 – Miscellaneous		
Section	Detail	Comments
The Local Government (Miscellaneous Provisions) (NI) Order 1985		
7	Contravention of closing orders.	Fine
15	Provisions supplementary to Articles 13 and 14	Fine
16	Power to enter premises	Fine
35 (1878 – 181)	Regulations as to burial grounds etc.	DOE may make regulations Fine
Schedule 1 Para. 4 (2) Para. 11 (5)	Licensing of places of entertainment (Article 3) Fee Powers of entry	- Fee determined by DOE Fine
Schedule 3 Para. 16 Para. 21(4)	Relaxation of controls over certain functions of councils The Poisons (NI) Order 1976 (NI 23) The Pollution Control and Local Government (NI) Order 1978 (NI 19)	

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Category 8 – Miscellaneous		
Section	Detail	Comments
The Local Government (Miscellaneous Provisions) (NI) Order 1992		
41	Prohibition of political publicity	
42	The Staff Commission	DOE may make determination. DFP approval required.
The Local Government (Miscellaneous Provisions) (NI) Order 1995		
10 (1985 – Schedule 1)	Increase in penalties	Fine
11	Powers of councils in relation to street names and numbering of buildings.	Fine
	Local Government (Northern Ireland) Order 2005	Fine

FINANCE RELATED LEGISLATION

Category 8 – Miscellaneous		
Section	Detail	Comments
30	Use of fixed penalty receipts	DOE may make Regulation.
Local Government (Boundaries) (NI) Order 2006		
4	Local Government Boundaries Commissioner	Terms and conditions of appointment determined by DOE and approved by DFP (updated 2006).
Schedule 1 Para. 5	Remuneration and expenses	