

LIST OF LEGISLATION RELATING TO PAYMENTS FROM DEPARTMENTS TO DISTRICT COUNCILS

DARD

DARD does not have the legislative authority to provide funding to District Councils.

DCAL

There is provision under the Recreation and Youth Service (NI) Order 1986, which allows DCAL to make grants to District Councils, although this function is never used.

DE

Nil return from DE.

DEL

DEL currently makes payments to a number of District Councils as Lead Partners for the New Deal Programmes. The legislative authority is contained in Section 1 of the Employment and Training Act (NI) 1950 as amended by Article 3 of the Employment and Training (Amendment) (NI) Order 1988.

The pieces of legislation referred to below allow DEL to make payments - although not specifically to District Councils.

- Education and Libraries (Northern Ireland) Order 1986 which enables DEL to make payments more widely than the institutions normally funded.

Article 30 enables DEL to make grants to the governing body of any higher institution, and to other bodies or persons for certain purposes. These purposes include the provision of education or undertaking of research, or the provision of any facilities or carrying on of any activities in respect of these.

Article 115 enables DEL by regulations, subject to DFP approval, to make arrangements for the payment of grants for educational services connected with higher and further education or for certain research.

- The second piece of legislation, which might be relevant is the Employment and Training Act (Northern Ireland) 1950, which allows payments of allowances and grants for various purposes, with DFP approval. This is the legislation which allows DEL to make payments towards the cost of removal or resettlement of workers.

DETI

Invest NI

Current industrial development legislation does not provide specific cover for the payment of financial assistance to District Councils. However Articles 7 and 8 of the Industrial Development (NI) Order 1982, as amended by the Industrial Development Act (Northern Ireland) 2002, provide general powers to Invest NI to promote and/or assist industrial development. This may cover assistance to District Councils engaged in the specified activities. Confirmation by legal advisers of this view may be prudent.

Similarly Article 30 of the 1982 Order provides that the Department may make grants to any body or person for the purpose of enabling that person or body to stimulate/assist industrial enterprise or the provision of employment. This may cover possible assistance to District Councils.

InterTradeIreland

North / South Co-operation (Implementation Bodies) (NI) Order 1999 provides that a Body (incl. ITI) may provide financial assistance to any body or person in accordance with arrangements to be approved by the North South Ministerial Council and Finance Ministers. Again this would appear to cover possible financial assistance to District Councils.

Northern Ireland Tourist Board

The Tourism (Northern Ireland) Order, 1992 contains the following provisions with regards to financial assistance to other bodies:

- (a) Part II Article 4 (2) (k) [The Board May] co-operate with or assist any other body or association carrying out the activities falling within the functions of the Board. It may be noted that 'assist' includes assist financially.
- (b) The Board may also provide financial assistance to the tourist industry through the powers in Part III, Article 11.

While the provisions at (a) and (b) do not relate directly to financially assisting District Councils they may in certain circumstances be applied to District Councils. The Department may wish to seek legal advice in interpreting these provisions.

Energy

There is no legislation which specifically mentions District Councils. However Article 61(1) of the Energy (Northern Ireland) Order 2003 states that:

"the Department may, in accordance with this Article, make grants to persons engaged in, or commercial activities connected with –

- a) the generation, transmission and supply of electricity;
- b) the conveyance, storage and supply of gas; or
- c) providing advice or undertaking research or other activities relating to any of the matters mentioned in sub-paragraph a) or b)."

This legislation does not include renewables and, therefore, Energy Division is currently involved in taking Article (26) of the draft Northern Ireland (Miscellaneous Provisions) Bill 2006 through Parliament to close this anomaly.

European Programmes

The European funding paid by this Department to the District Councils under the BSP Programme is currently covered under EC Regulations.

EC Regulations are a different vehicle to and should not be confused with domestic legislation (i.e. UK, GB or NI Regulations).

DFP

Properties Division uses Article 6 of the Energy Efficiency (NI) Order 1999 (SI 1999 No 659) to provide financial or other assistance to any public body, covering the grants from the Central Energy Efficiency Fund to District Councils.

NISRA uses the Births and Deaths Registration (NI) Order 1976 covering the re-imbusement of District Councils for registration work carried out by the DROs on behalf of GRO.

Rating Policy

Rating Policy legislation is currently being changed as part of the Review of Rating Policy however this may be affected by any changes to the funding of Local Government.

DHSSPS

Food Standards Agency make payments to District Councils under Section 21 (2) (b) of the Food Standards Act 1999.

DHSSPS make a small number of payments under the Health and Personal Social Services (Northern Ireland) Order 1972.

DHSSPS are also likely to make payments in future regarding smoking prevention. The relevant legislation The Smoking (Northern Ireland) Order 2006 is still at draft stage.

DOE

Environment and Heritage Service has made payments to councils in the past, the agency has used the Local Government (NI) Order 1972 and the Planning (NI) Order 1991.

DRD

Details of existing legislation which permits DRD to make payments to District Councils are:

Legislation	Description
<i>Ports and Public Transport</i>	
The Harbours Act (NI) 1970	Section 3 Grants for the execution of Harbour works, which could include the local Harbour Authorities as set out in paragraph 2 of the Act.
The Airports (NI) Order	Part 3 Article 17 provides a power for District Councils to provide and maintain Airports. Article 24 allows for the financial assistance of such airports by the Department with the approval of DFP.
Transport Act (NI) 1967	Article 63 facilitates payments to the Railway Undertaking
Transport Act (NI) 1967	Section 75A allows for the payment to any persons "Securing the provision in any area of a service for the carriage of passengers by Road."
<i>Roads Service</i>	
Nil	N/A
<i>Water Service</i>	
Nil	N/A

DSD

Legislation which covers grants / payments to Local Government:

- Social Need (NI) Order 1986
- Recreation & Youth Service (NI) Order 1986
- Development Services Act (NI) 1948

Ilex does not currently have any powers to make grant payments to local councils.

Provision for Laganside to make grant payments to local councils is included in Article 12 of Laganside 1989 Order.

Housing

There does not appear to be any specific provisions in Housing legislation in respect of payments to District Councils. The Housing (NI) Order 1981 contains a number of Articles (28 & 29 primarily) which give the NIHE the power to make payments for the functions they undertake. It is assumed that if they ever needed to pay a Council for any goods or services in association with their functions that it would do so under that authority.

OFMDFM

OFMDFM have no specific District Council related legislation that specifically makes mention of payments to District Councils but they are able to make payments under the Community Relations Order to any persons or organisations appearing to OFMDFM to be concerned with community relations. This is the authority under which they make payments to DC's.

MINOR DEPARTMENTS

NI Assembly

Nil return - With the exception of the payment invoices in respect of council services for businesses - bin collection etc - on behalf of Members the Assembly the NI Assembly makes no other payments to District Councils.

Office of the Assembly Ombudsman

Nil return.

Northern Ireland Audit Office

The only payment that NIAO makes to the councils is to Belfast City Council in respect of the accommodation it occupies in Belfast City Hall.