STATUTORY RULES OF NORTHERN IRELAND

2013 No. 238 (C. 15)

LOCAL GOVERNMENT

The Local Government (Boundaries) (2008 Act) (Commencement, Transitional Provision and Savings) Order (Northern Ireland) 2013

Made - - - - 3rd October 2013

The Department of the Environment makes the following Order in exercise of the powers conferred by section 5(2), (3) and (4) of the Local Government (Boundaries) Act (Northern Ireland) 2008(**1**):

Citation and interpretation

1.—(1) This Order may be cited as the Local Government (Boundaries) (2008 Act) (Commencement, Transitional Provision and Savings) Order (Northern Ireland) 2013.

(2) In this Order—

"the 1972 Act" means the Local Government Act (Northern Ireland) 1972(**2**);

"the 2008 Act" means the Local Government (Boundaries) Act (Northern Ireland) 2008;

"the 2011 Act" means the Local Government Finance Act (Northern Ireland) 2011(**3**);

"new council" means a district council constituted under section 1 (district councils) of the 1972 Act(**4**) as amended by section 3(1) of the 2008 Act; and

"existing council" means a district council constituted under section 1 of the 1972 Act as in force immediately prior to the making of this Order.

Commencement, transitional provision and savings

2. The day appointed for the coming into operation of sections 1 and 3(1) of the 2008 Act for the purposes of the election or return of members of a new council under sections 11 to 11K of the Electoral Law Act (Northern Ireland) 1962(**5**) is 3rd October 2013.

(**1**) 2008 c. 7 (N.I.).
(**2**) 1972 c. 9 (N.I.).
(**3**) 2011 c. 10 (N.I.).
(**4**) 1972 c. 9 (N.I.); section 1 was amended by S.I.1985/454.
(**5**) 1962 c. 14 (N.I.); section 11 was substituted by S.I. 1972/1264 (N.I. 13), and was amended by S.I. 1972/1998 (N.I. 21), S.I. 1977/428; S.I. 1985/1208 (N.I. 15); S.I. 1985/454; section 4 of the Elected Authorities (Northern Ireland) Act 1989 (c. 3); S.I. 1992/810 (N.I. 6); S.I. 2005/862; S.I. 2009/225 and S.I. 2010/1178.

3.—(1) The day appointed for the coming into operation of sections 1 and 3(1) of the 2008 Act for the purposes of sections 3 (qualifications), 4 (disqualifications) and 6 (penalties) of the 1972 Act(**6**) is 3rd October 2013.

(2) Paragraph (1) applies only for the purposes of a new council, and has no effect in relation to an existing council.

(3) Subject to paragraph (4), for the purposes of a new council, any reference to a "council", a "district council" or a "councillor" in sections 3 (qualifications), 4 (disqualifications) and 6 (penalties) of the 1972 Act is a reference to a new council.

(4) A reference in section 4(1)(c) or (e) of the 1972 Act to the disqualification of a person for being elected or being a councillor includes reference to a person disqualified for being elected or being a councillor in relation to an existing council or a new council, as the case may be.

4.—(1) The fourth day after the next election day (within the meaning of the Electoral Law Act (Northern Ireland) 1962) following the making of this Order is the day appointed for the coming into operation of sections 1 and 3(1) of the 2008 Act for the purposes of—

(a) sections 1 (duty to make arrangements), 3 (annual budget) and 4 (report by chief financial officer on estimates) of the 2011 Act in so far as they relate to income and expenditure of district councils; and

(b) Articles 6 (regional rate and district rate), 7 (making of rates), 8 (time of making of, determination of amount of, and notification of, district rate), 34 (payments to district councils on account of district rates) and 35 (product of rate) of the Rates (Northern Ireland) Order 1977(**7**) in so far as they relate to rates,

for any financial year ending after 31st March 2014.

(2) Paragraph (1) has no effect in relation to an existing council in so far as it relates to sections 1 (duty to make arrangements) and 3(3) (annual budget) of the 2011 Act.

(3) Subject to paragraph (4), from the date appointed in paragraph (1), any reference to a "council" or "district council" in sections 1 (duty to make arrangements), 3 (annual budget) and 4 (report by chief financial officer on estimates) of the 2011 Act and Articles 6 (regional rate and district rate), 7 (making of rates), 8 (time of making of, determination of amount of, and notification of, district rate), 34 (payments to district councils on account of district rates) and 35 (product of rate) of the Rates (Northern Ireland) Order 1977 is a reference to a new council.

(4) In relation to an existing council, a reference to a "council" in section 1 (duty to make arrangements) or 3(3) (annual budget) of the 2011 Act is a reference to an existing council.

5.—(1) The day appointed for the coming into operation of sections 1 and 3 of the 2008 Act for all other purposes is 1st April 2015.

(2) Paragraph (1) has no effect in relation to orders made under Article 3(1) (county courts to be held for divisions) of the County Courts (Northern Ireland) Order 1980(**8**) or Article 11(2) (petty sessions and petty sessions districts) of the Magistrates' Courts (Northern Ireland) Order 1981(**9**).

(**6**) 1972 c. 9 (N.I.); section 3(1) was amended by 2006 c. 22, S.I. 2007/230, S.I. 2008/1316 and 1989 c. 3; section 3(2) was amended by S.I. 1995/1948, 2006 c. 22 and S.I. 2008/1316; sections 3(4) and (5) were inserted by 2006 c. 22 and S.I. 2008/1316; section 4(1) was amended by S.I. 2005/1455 (N.I. 10), S.I. 2005/1968 (N.I. 18), S.R. 2006 No. 21, S.R. 2006 No. 151 and 2010 c. 7 (N.I.); section 4(3) and (4) were inserted by 1989 c. 3; section 6(1) was amended by 1984 N.I. 3.

(**7**) S.I. 1977 No. 2157 (N.I. 28); Article 6 was amended by S.I. 2006/2954 (N.I. 18); Articles 7, 8 and 34 were amended by 1998 N.I. 22.

(**8**) 1980 No. 397 N.I. 3 as amended by the Constitutional Reform Act 2005 (c.4) ss 15(2), 148(1) and Schedule 5 paragraph 50; and S.I.2010/976 Article 15(1) and Schedule 17, paragraph 33.

(**9**) 1981 No. 1675 N.I. 26 as amended by the Constitutional Reform Act 2005 (c.4) ss 15(2), 148(1) and Schedule 5 paragraph 63; and S.I.2010/976 Article 15(1) and Schedule 17, paragraph 37.