STATUTORY RULES OF NORTHERN IRELAND

# 2008 No. 310

# LOCAL GOVERNMENT

## The Local Government (Constituting a Joint Committee a Body Corporate) Order (Northern Ireland) 2008

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| *Made - - - -* | *22nd July 2008* |
| *Coming into operation* | *20th August 2008* |

The Department of the Environment makes the following Order in exercise of the powers, conferred by section 19(9) of the Local Government Act (Northern Ireland) 1972(**1**):

**Citation and commencement**

**1.** This Order may be cited as the Local Government (Constituting a Joint Committee a Body Corporate) Order (Northern Ireland) 2008 and shall come into operation on 20th August 2008.

**Interpretation**

**2.** In this Order –

"joint committee" means the committee formed pursuant to section 19 of the Local Government Act (Northern Ireland) 1972 by the participant councils in pursuance of the terms of the Agreement;

"participant councils" means Armagh City and District Council, Banbridge District Council, Cookstown District Council, Craigavon Borough Council, Dungannon and South Tyrone Borough Council, Fermanagh District Council, Newry and Mourne District Council and Omagh District Council;

"waste management plan" means the sub-regional waste management plan, jointly determined by the participant councils, pursuant to Article 23 of the Waste and Contaminated Land (Northern Ireland) Order 1997(**2**) which sets out the proposals of the participant councils as to how they would collectively deal with their waste arising over the term covered by the plan and references to the waste management plan shall be construed as references to the plan as revised or replaced from time to time;

"the Agreement" means the Agreement entered into by the participant councils to form a joint committee to implement the waste management plan, and references to the Agreement shall be construed as references to the Agreement as amended from time to time.

(**1**) 1972 c9(N.I.)
(**2**) S.I. 1997/2778 (N.I.19)

### Constitution of a joint committee as a body corporate

**3.**—(1) The joint committee shall be constituted a body corporate with perpetual succession to which section 19 of the Interpretation Act (Northern Ireland) 1954(**3**) shall apply.

(2) The joint committee shall be known as SWaMP2008.

(3) Part V of the Local Government Act (Northern Ireland) 1972 (Financial Provisions) shall apply to SWaMP2008 as it applies to a council as if—

(a) reference to a council included a reference to SWaMP2008;

(b) reference to the chief financial officer included a reference to the chief executive or chief officer;

(c) reference to the district fund included a reference to general reserves;

(d) reference to the clerk included a reference to the chief executive or chief officer.

### Functions of SWaMP2008

**4.** SWaMP2008 shall be established for the purposes of undertaking the functions outlined in the Agreement.

### Power of acquiring, holding or disposing of land

**5.** Sections 95 to 98 of the Local Government Act (Northern Ireland) 1972 (Miscellaneous Functions, Land) shall apply to SWaMP2008 as they apply to a council.

### Miscellaneous functions

**6.** Section 99 of the Local Government Act (Northern Ireland) 1972 (Contracts of councils) shall apply to SWaMP2008 as it applies to a council and any reference to standing orders shall include a reference to the Agreement.

**7.** Sections 104 to 106, 109, and 111 to 113A of the Local Government Act (Northern Ireland) 1972 (Miscellaneous Functions) shall apply to SWaMP2008 as they apply to a council.

### Power to establish or participate in companies

**8.** The Local Government Companies (Best Value) Order (Northern Ireland) 2006(**4**) shall apply to SWaMP2008 as it applies to a council as if reference to a council included a reference to SWaMP2008.

### Indemnification of members and officers

**9.** Section 33 of the Local Government (Northern Ireland) Order 2005(**5**) shall apply to SWaMP2008 as it applies to councils and any reference to members and officers of councils shall include a reference to members and officers of SWaMP2008.

(**3**) 1954c33(N.I.)
(**4**) S.R. 2006 No. 500
(**5**) S.I. 2005/1968 (N.I. 18)