
STATUTORY INSTRUMENTS

1995 No. 759 (N.I. 5)

The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995

- - - - - 15th March 1995

Modifications etc. (not altering text)

- C1** Order: transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 5 Pt. 1** (with art. 9(2))

Introductory

Title and commencement

1.—(1) This Order may be cited as the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995.

(2) Subject to paragraph (3), this Order shall come into operation on the expiration of 2 months from the day on which it is made.

Para. (3) rep. by 2001 c. 14 (NI)

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954^{F1} shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“the Department” means the Department of the Environment;

“the principal Act” means the Local Government Act (Northern Ireland) 1972^{F2};

(3) Expressions used in this Order and in the principal Act have the same meaning in this Order as in that Act.

F1 1954 c. 33 (NI)

F2 1972 c. 9 (NI)

Amendments to the principal Act

Vacation of office on account of non-attendance

3. For section 9(1) and (2) of the principal Act there shall be substituted—

“(1) Subject to subsections (2) and (3), if a councillor fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the council, he shall, unless the failure was due to some reason approved by the council before the expiry of that period, cease to be a member of the council.

(2) Attendance—

(a) at a meeting of—

(i) any committee or sub-committee of the council;

(ii) any joint committee or any of the sub-committees to which any of the functions of the council have been delegated;

(b) as a representative of the council at a meeting of any body, attendance at a meeting of which is an approved duty for the purposes of regulations made under section 36,

shall be deemed for the purposes of subsection (1) to be attendance at a meeting of the council.”

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Appointment and qualification of officers

4. In section 41 of the principal Act (appointment and qualification of officers)—

(a) for subsection (3) there shall be substituted—

“(3) A person shall not be appointed to—

(a) the office of clerk of a council; or

(b) such other office under a council as the Department may determine,

unless he possesses such qualifications as the Department may determine.”;

(b) in subsection (3A) for the words “may be prescribed” there shall be substituted the words “the Department may determine”;

(c) subsection (6) shall cease to have effect.

Art. 5 rep. by 2001 c. 14 (NI)

Sealing of contracts: increase in limit

6.—(1) In section 100(1) of the principal Act (sealing of contracts) for the words from “does not exceed” to “determine” there shall be substituted the words “does not exceed £30,000 in value”.

(2) After section 100(1) of that Act there shall be inserted—

“(1A) The Department may by order amend subsection (1) so as to increase the amount for the time being specified in that subsection.”

Power to provide advice and assistance

7. After section 113 of the principal Act there shall be inserted—

“Power to provide advice and assistance.

113A.—(1) Subject to subsections (3) to (6), a council may provide advice and assistance as respects any matter in which it has skill and experience to a body engaged outside the United Kingdom in the carrying on of any of the activities of local government.

(2) In relation to any place outside the United Kingdom, activities shall be taken for the purposes of this section to be activities of local government wherever they are the equivalent of, or are comparable to, any activities which in Northern Ireland are carried on by councils.

(3) The power conferred by subsection (1) shall not be exercised except with the consent of the Department or in accordance with a general authorisation given by the Department.

(4) Before giving any general authorisation under subsection (3), the Department shall consult with such persons appearing to it to represent councils as the Department thinks appropriate.

(5) A consent or authorisation under subsection (3) may be given subject to such conditions as the Department thinks fit.

(6) Nothing in this section authorises a council to provide any financial assistance by—

- (a) making a grant or loan,
- (b) giving a guarantee or indemnity, or
- (c) investing by acquiring share or loan capital.

(7) The Department shall provide councils with such guidance about the exercise of their powers under this section as it thinks appropriate.”

Contributions to public appeals

8. In section 115 of the principal Act (expenditure for special purposes) after subsection (1) there shall be inserted—

“(1A) Subject to subsection (2), a council may make payments to any fund which is raised in connection with a particular event directly affecting persons resident in the United Kingdom on behalf of whom a public appeal for contributions has been made—

- (a) by the chairman of a council; or
- (b) by a committee of which the chairman of a council is a member; or
- (c) by such a person or body as is referred to in section 137(3)(c) of the Local Government Act 1972^{F3}; or
- (d) by such a person or body as is referred to in section 83(3)(c) of the Local Government (Scotland) Act 1973^{F4}.”

F3 1972 c. 70

F4 1973 c. 65

Entertainments licences

Refusal of entertainments licences

9. In paragraph 5 of Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985^{F5} (applications for the grant, renewal or transfer of licences)—

(a) in sub-paragraph (8), after head (a) there shall be inserted—

“(aa) have regard to any conviction of the applicant of an offence under paragraph 10 within the period of 5 years immediately preceding the date when the application was made;”;

(b) after sub-paragraph (8) there shall be inserted—

“(9) Subject to paragraph 13 and without prejudice to its power to refuse an application on any other grounds, the council may refuse an application for the grant, renewal or transfer of an entertainments licence on the ground that the applicant has been convicted of an offence under paragraph 10 within the period of 5 years immediately preceding the date when the application was made.”.

F5 1985 NI 15

Increase in penalties

10.—(1) In paragraph 10 of Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 (licensing of places of entertainment)—

(a) in sub-paragraphs (1) and (2) the words “and liable on summary conviction to a fine not exceeding level 5 on the standard scale” shall be omitted; and

(b) after sub-paragraph (2) there shall be inserted—

“(2A) Any person guilty of an offence under sub-paragraph (1) or (2) shall be liable on summary conviction—

(a) in the case of an offence to which sub-paragraph (2B) applies, to a fine not exceeding £20,000 or to imprisonment for a term not exceeding 6 months or to both;

(b) in any other case, to a fine not exceeding level 5 on the standard scale.

(2B) This sub-paragraph applies to—

(a) any offence under sub-paragraph (1) where the entertainment provided is—

(i) entertainment referred to in sub-paragraph (2)(b) of paragraph 1 and to which that paragraph applies; or

(ii) entertainment to which paragraph 2 applies; and

(b) any offence under sub-paragraph (2) where the entertainment for which the place is used is—

(i) entertainment referred to in sub-paragraph (2)(b) of paragraph 1 and to which that paragraph applies; or

(ii) entertainment to which paragraph 2 applies,

and the terms, conditions or restrictions which are contravened or not complied with include one which imposes a limit on the number of persons who may be present at the entertainment.”.