Draft Order laid before the Assembly under Article 33(3) of the Local Government (Northern Ireland) Order 2005, for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2014 No.

LOCAL GOVERNMENT

The Local Government (Indemnities for Members and Officers) (Amendment) Order (Northern Ireland) 2014

Made - - - -	***
Coming into operation -	***

The Department of the Environment, in exercise of the powers conferred by Article 33 of the Local Government (Northern Ireland) Order 2005(**a**), makes the following Order:

In accordance with Article 33(2) of that Order, the Department has consulted councils and such associations or bodies representative of councils, such associations or bodies representative of officers of councils and such other persons or bodies as it considered appropriate.

Citation and commencement

1.—(1) This Order may be cited as the Local Government (Indemnities for Members and Officers) (Amendment) Order (Northern Ireland) 2014 and shall come into operation on * October 2014.

Amendment to the Local Government (Indemnities for Members and Officers) Order (Northern Ireland) 2012

2.—(1) The Local Government (Indemnities for Members and Officers) Order (Northern Ireland) 2012(**b**) shall be amended in accordance with paragraphs (2) and (3).

(2) In Article 1, for paragraph (2) substitute—

"(2) In this Order—

"Part 9 proceeding" means any investigation, report, adjudication or any other proceeding pursuant to Part 9 of the Local Government Act (Northern Ireland) 2014(**c**); and

"secure", in relation to any indemnity provided by means of insurance, includes arranging for, and paying for, that insurance.".

(3) For Article 7 substitute—

(**a**) S.I. 2005/1968 (NI 18)
(**b**) S.R. 2012 No. 422
(**c**) 2014 c. 8

"**7.**—(1) Subject to paragraphs (2) and (3), the terms of any indemnity given (including any insurance secured) under this Order may be such as a council shall agree.

(2) Paragraph (3) applies where any indemnity given to any member or officer (including any insurance secured for that member or officer) has effect in relation to the defence of—

(a) any criminal proceedings; or

(b) any Part 9 proceedings.

(3) Where this paragraph applies, the indemnity shall be provided, and any insurance secured, on the terms that—

(a) in the case of criminal proceedings, if the member or officer in question is convicted of a criminal offence and that conviction is not overturned following any appeal; and

(b) in the case of Part 9 proceedings—

(i) if a finding is made in those proceedings that the member in question has failed to comply with the Northern Ireland Local Government Code of Conduct for Councillors and that finding is not overturned following any appeal, or

(ii) if the member admits that he has failed to comply with the Northern Ireland Local Government Code of Conduct for Councillors,

that member or officer shall reimburse the council or the insurer (as the case may be) for any sums expended by the council or insurer in relation to those proceedings pursuant to the indemnity or insurance.

(4) Where a member or officer is obliged to reimburse a council or insurer pursuant to the terms mentioned in paragraph (3), those sums shall be recoverable by the council or insurer (as the case may be) as a civil debt.".

Sealed with the Official Seal of the Department of the Environment on October 2014

L.S.

Linda MacHugh
A senior officer of the
Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

This Order amends the Local Government (Indemnities for Members and Officers) Order (Northern Ireland) 2012.

That Order requires councils to include terms within any indemnity (including any insurance secured) for the re-payment of sums expended by the council or insurer in any cases in which a member or officer has been convicted of a criminal offence (if the indemnity or insurance policy would otherwise cover the proceedings leading to that finding or conviction).

This Order extends that requirement to cases in which a member has been found to have failed to comply with or admitted that they have failed to comply with the Northern Ireland Local Government Code of Conduct for Councillors.

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