EXPLANATORY MEMORANDUM TO

The Local Government (Transitional, Supplementary, Incidental Provisions and Modifications) Regulations (Northern Ireland) 2014

2014 No. [0000]

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under section 20 of the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010 and sections 38 and 124 of the Local Government Act (Northern Ireland) 2014 and is subject to the draft affirmative resolution procedure.

2. Purpose

2.1. The Statutory Rule makes transitional provision with respect to local government reorganisation and, in particular, the eleven new councils established under the Local Government Act (Northern Ireland) 1972 as amended by the Local Government (Boundaries) Act (Northern Ireland) 2008. The new councils will come into existence on 26th May 2014, following the election on 22nd May, and will take over full responsibility for local government on 1st April 2015 when the 26 current councils will cease to exist. The Regulations cover the transitional period and the initial period after 1st April 2015.

2.2. New councils' key responsibilities during the transitional period will be to prepare for the disharge of their duties and to liaise with existing councils to ensure continuity in the exercise of their functions. The Regulations vest functions and powers in the new councils to enable them to prepare for the assumption of their full functions and to enable effective service delivery.

2.3. The Regulations will provide for new councils to make new bye-laws during the transitional period. Such bye-laws will come into effect on 1st April 2015.

2.4. The Regulations impose a duty upon existing councils to provide new councils with information and assistance, and on existing councils and Northern Ireland departments to provide and information and access to records.

2.5. The Regulations apply the Northern Ireland Local Government Code of Conduct for Councillors to councillors of, and persons appointed by, the existing councils as well as the new councils.

2.6. The Regulations make transitional provision with respect to positions of responsibility of new councils and the winding up, final accounts and final meetings of existing councils and their associated committees.

2.7. The Regulations provide for the production of statements of accounts of statutory transition committees.

2.8. The Regulations will disapply certain provisions of existing local government legislation in respect of new and existing councils during the transitional period.

3. Background

3.1. Section 20 of the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010 provides that the Department may by regulations make modifications to local government legislation as necessary for the purpose of preparing for, or giving full effect to, the reorganisation of local government provided for by the Local Government (Boundaries) Act (Northern Ireland) 2008.

3.2. Section 38 of the Local Government Act (Northern Ireland) 2014 provides that the Department may make regulations requiring councils to incorporate provisions in their standing orders.

3.3. Section 123 of the Local Government Act (Northern Ireland) 2014 provides that the Department may by regulations make such incidental, consequential, transitional or supplemental provision necessary or expedient for the purposes of, or in connection, with the Local Government Act (Northern Ireland) 2014. This provides the legislative authority to make all necessary provisions relating to the transitional period.

4. Consultation

4.1. A public consultation on the shadow arrangements and the draft Regulations was undertaken by the Department. The consultation period ended on 2 May 2014.

5. Equality Impact

5.1. An Equality Assessment has not been produced for these Regulations. The draft Regulations will apply equally across councils and as a result are neutral in terms of impact. The eleven new councils will be statutory authorities in their own right and, once established, will have their own equality duties. The draft Regulations were subject to public consultation and no equality issues were raised.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment has not been produced for these regulations, because the proposals impose no costs or savings on businesses, charities, social economy enterprises or the voluntary sector.

7. Financial Implications

7.1. The Regulations provide for the apportionment of costs incurred by new councils during the transitional period to be defrayed across the respective existing councils.

8. Section 24 of the Northern Ireland Act 1998

8.1. The regulations are considered compliant with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. There are no EU implications associated with the draft Regulations.

10. Parity or Replicatory Measure

10.1. Not applicable.

11. Additional Information

11.1. None