EXPLANATORY MEMORANDUM TO

The Local Government (Constituting Joint Committees as Bodies Corporate) Order (Northern Ireland) 2012

SR 2012 No. 10

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 powers conferred by the Local Government Act (Northern Ireland) 1972 and is subject to the negative resolution procedure.

2. Purpose

2.1. The Statutory Rule will revoke the existing body corporate legislation and replace it with consolidated legislation to reflect provisions contained within the new Local Government Finance Act.

3. Background

3.1. The Local Government Finance Act (Northern Ireland) 2011 makes provision for the repeal of Part 5 (sections 53 to 73) and section 111 (Subscriptions) of the Local Government Act Northern Ireland 1972. The Local Government Finance (2011 Act) (Commencement) Order (Northern Ireland) 2011 SR 2011 No. 306 (C.22) became operational on 10 September 2011 and on 1 April 2012 the remaining parts of the 2011 Act will commence. At that time, the current financial regime for arc21 and SWaMP2008 will no longer apply, as it is reliant on sections of the 1972 Act which are due to be repealed.

4. Consultation

4.1. Constituent councils were consulted on the proposed amending legislation and all of the responses that were received supported the view that the provisions contained in Part 1 and section 41 of the Finance Act should be applied in full to arc21 and SWaMP2008.

5. Equality Impact

5.1. It was determined at the time of consultation that changes made by this Rule would have no impact in terms of section 75 of the Northern Ireland Act 1998.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment was not necessary, because the proposals will not result in any material change to the Joint Committee's finances.

7. Financial Implications

7.1. Not applicable.

8. Section 24 of the Northern Ireland Act 1998

8.1. These Regulations are deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. Not applicable

11. Additional Information

11.1. Not applicable.