

2012 No. 10

LOCAL GOVERNMENT

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

Made - - - - - *17th January 2012*

Coming into operation - - - - - *2nd April 2012*

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

Citation and commencement

1. This Order may be cited as The Local Government (Constituting Joint Committees as Bodies Corporate) Order (Northern Ireland) 2012 and shall come into operation on 2nd April 2012.

Interpretation

2. In this Order:

“joint committee” means a committee formed pursuant to Section 19 of the Local Government Act (Northern Ireland) 1972 by participant councils in pursuance of the terms of the agreement;

“the agreement” means the agreement entered into by the participant councils to form a joint committee to implement the waste management plan and reference to the agreement shall be construed as reference to the agreement as revised or replaced from time to time;

“the participant councils” in the case of arc21, means Antrim Borough Council, Ards Borough Council, Ballymena Borough Council, Belfast City Council, Carrickfergus Borough Council, Castlereagh Borough Council, Down District Council, Larne Borough Council, Lisburn City Council, Newtownabbey Borough Council, North Down Borough Council;

“the participant councils” in the case of SWaMP2008, 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;

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

(a) Acts of NI Parliament (1921-1972) 1972 Chapter 9
(b) S.R. 1997 No. 2778

Constitution of joint committees as bodies corporate

3.—(1) A joint committee, which is made up of the participant councils, shall be constituted as a body corporate with perpetual succession and shall be known as arc21 and Section 19 of the Interpretation Act (Northern Ireland) 1954(a) shall apply to it.

(2) A joint committee, which is made up of the participant councils, shall be constituted as a body corporate with perpetual succession and shall be known as SWaMP2008 and Section 19 of the Interpretation Act (Northern Ireland) 1954 shall apply to it.

(3) arc21 and SWaMP2008 shall be constituted for the purposes of undertaking the functions specified in the agreement.

Financial administration and subscriptions

4. Part 1 (Financial Administration) and Section 41 (Subscriptions to certain local government associations and other bodies) of the Local Government Finance Act (Northern Ireland) 2011 shall apply to arc21 and SWaMP2008 as they apply to a council as if—

- (a) reference to a council included a reference to arc21 or SWaMP2008;
- (b) reference to members and officers of councils included a reference to members and officers of arc21 or SWaMP2008;
- (c) reference to the chief financial officer included a reference to the chief executive or chief officer;
- (d) reference to the general fund included a reference to general reserves;
- (e) reference to standing orders included a reference to the agreement;
- (f) reference to the clerk included a reference to the chief executive or chief officer.

Power of acquiring, holding or disposing of land or entering in contracts

5. Sections 95 to 99 of the Local Government Act (Northern Ireland) 1972 shall apply to arc21 and SWaMP2008 as they apply to a council as if—

- (a) reference to a council included a reference to arc21 or SWaMP2008;
- (b) reference to standing orders included a reference to the agreement.

Miscellaneous functions

6. Sections 104 to 106, 109 and 112 to 113A of the Local Government Act (Northern Ireland) 1972 shall apply to arc21 and SWaMP2008 as they apply to a council as if reference to a council included a reference to arc21 or SWaMP2008.

Power to establish or participate in companies

7. The Local Government Companies (Best Value) Order (Northern Ireland) 2006(b) shall apply to arc21 and SWaMP2008 as it applies to a council as if reference to a council included a reference to arc21 or SWaMP2008.

Indemnification of members and officers

8. Section 33 of the Local Government (Northern Ireland) Order 2005(c) shall apply to arc21 and SWaMP2008 as it applies to councils as if—

- (a) reference to a council included a reference to arc21 or SWaMP2008;

(a) Acts of NI Parliament (1921-1972) 1954 Chapter 33
(b) S.R. 2006 No. 500
(c) S.R. 2005 No. 1968

(b) reference to members and officers of councils included a reference to members and officers of arc21 or SWaMP2008.

Application of certain provisions of the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010

9. Part 1, Section 21 and Section 22(1) and (2) of the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010(a) shall apply to arc21 and SWaMP2008 as they apply to a council as if reference to a council included a reference to arc21 or SWaMP2008.

Revocations

10. The Local Government (Constituting a Joint Committee a Body Corporate) Order (Northern Ireland) 2004(b); the Local Government (Constituting a Joint Committee a Body Corporate) (Amendment) Order (Northern Ireland) 2007(c); and the Local Government (Constituting a Joint Committee a Body Corporate) Order (Northern Ireland) 2008(d) are hereby revoked.

Sealed with the Official Seal of the Department of the Environment on 17th January 2012



Wesley Shannon
A senior officer of the
Department of the Environment

(a) S.R. 2010 c.7
(b) S.R. 2004 No. 49
(c) S.R. No. 505
(d) S.R. 2008 No. 310

EXPLANATORY NOTE

(This note is not part of the Regulations)

This Order provides for the joint committees which are made up of the participant councils to be constituted bodies corporate and to be known as arc21 and SWaMP2008.

This Order also fixes the functions of the bodies corporate known as arc21 and SWaMP2008.

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