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Department
for Communities

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Draft Local Government (Consequential Amendments) Regulations (Northern Ireland) 2018

Consultation Document

This consultation document seeks views on proposed amendments to existing legislation set out in the draft Local Government (Consequential Amendments) Regulations (Northern Ireland) 2018.

Comments should be sent by 30 June 2018 to:
Department for Communities
Local Government and Housing Regulation Division
Level 4, Causeway Exchange
1-7 Bedford Street
Town Parks
Belfast, BT2 7EG
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Purpose of the consultation

1. The Department for Communities is seeking views from consultees on the proposed amendments to existing legislation set out in the draft Local Government (Consequential Amendments) Regulations (Northern Ireland) 2018 (the draft Regulations).

Background

2. The local government reform programme, which took full effect in April 2015, reduced the number of district councils and gave them the power to carry out additional functions.

The key pieces of legislation that provided for this reform were:

- the Local Government Act (Northern Ireland) 2014 (the 2014 Act), which provided for the repeal and replacement of significant parts of the Local Government Act (Northern Ireland) 1972 (the 1972 Act) and in so doing placed a range of new requirements upon district councils, particularly in relation to their administrative and governance regimes

- the Planning Act (Northern Ireland) 2011, which reformed the planning system and gave district councils responsibility for determining most planning applications

- the Local Government (Boundaries) Act (Northern Ireland) 2008, which reduced the number of local government districts (and as a consequence the number of councils).

3. As a result of changes brought into effect by these three Acts, there has been an impact upon some legislation already on the statute book, and a number of minor and consequential anomalies have emerged.

4. The 2014 Act included an enabling power to make consequential amendments in connection with its own provisions and those of the other two Acts listed above. The Department proposes to use this power to make Regulations to rectify the minor and consequential anomalies (including the references to former council names

and districts) in other legislation. The Department considers the draft Regulations to be technical in nature.

5. In making the draft Regulations the Department does not propose to introduce any new policies or give effect to any policy changes.

Details of the proposals

Amendment of the Drainage (Northern Ireland) Order 1973

Regulation 2

6. The Department for Infrastructure (DFI) has requested the inclusion of an amendment to the Drainage (Northern Ireland) Order 1973 (the Drainage Order).

7. Schedule 1, paragraph 1 to the Drainage Order presently provides that the Drainage Council shall consist of eighteen persons appointed by the Minister, of whom 10 shall represent district councils.

8. Regulation 2 of the draft Regulations proposes to amend Schedule 1 to the Drainage Order to provide that the Drainage Council shall consist of nineteen persons appointed by the Minister, of whom eleven shall represent each of the district councils.

Amendment of the Local Government Order (Northern Ireland) 2005

Regulation 3

9. Regulation 3 will provide for the amendment of the Local Government Order (Northern Ireland) 2005 (the 2005 Order).

10. The 2005 Order introduced a range of changes to councils' legal and regulatory framework, including making new provision for the audit of district council accounts. The 2005 Order also included references to sections of the 1972 Act.
 11. The 2014 Act provides for the repeal of certain provisions of the 1972 Act. This means that certain provisions of the 2005 Order now refer to repealed provisions of the 1972 Act.
 12. Regulations 3(2) and 3(3) of the draft Regulations will provide for the replacement of references to the repealed provisions with the equivalent provisions of the 2014 Act.
 13. Section 24 of the 1972 Act provides that, where a meeting of a council is open to the public, the council must, upon the request of a newspaper, provide it with documents relating to that meeting. However, if the meeting in question, or certain proceedings held as part of a meeting, are not open to the public, section 24 provides for the omission of information relating to these proceedings.
 14. Article 11(5) of the 2005 Order provides that a council may not use the powers conferred upon it by section 24 of the 1972 Act to withhold immediate reports, or those made in the public interest, from the press.
 15. As section 24 of the 1972 Act has been repealed, regulation 3(4) of the draft Regulations will amend Article 11(5) of the 2005 Order to ensure that the provision remains that an immediate report made by a Local Government Auditor under Article 9 may not be excluded from the requirement under the 2014 Act for a council to supply matter to a newspaper, further to a request from the media under section 43(7) of that Act.
- Amendment of the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010**
- Regulation 4**
16. Regulation 4 of the draft Regulations will provide for the amendment of the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010 (the Miscellaneous Provisions Act).

17. Section 22 of the Miscellaneous Provisions Act provides for the exercise of waste management functions by councils and refers to repealed provisions of the 1972 Act.

18. Regulation 4 of the draft Regulations will amend section 22 of the Miscellaneous Provisions Act to refer to the appropriate provisions of the 2014 Act.

Amendment of the Local Government Finance Act (Northern Ireland) 2011

Regulation 5

19. Regulation 5 of the draft Regulations will amend the Local Government Finance Act (Northern Ireland) 2011 (the 2011 Finance Act).

20. Section 31(7) of the 2011 Finance Act provides that “joint committee” has the same meaning as in the 1972 Act. Provisions of the 1972 Act relating to joint committees have been repealed.

21. Regulation 5 of the draft Regulations will amend section 31(7) of the 2011 Finance Act to provide that “joint committee” has the same meaning as in the 2014 Act.

Amendment of the Planning Act (Northern Ireland) 2011 (the 2011 Planning Act) and the 2014 Act

Regulation 6 and Regulation 7(2)

22. Regulation 6 and regulation 7(2) of the draft Regulations are linked. Regulation 6 will provide for amendment of the Planning Act (Northern Ireland) 2011 (the 2011 Planning Act) and regulation 7(2) will amend the 2014 Act.

Background

23. Section 30 (pre-determination hearings) of the 2011 Planning Act requires the council to carry out pre-determination hearings for specific types of planning applications before the application is determined. The specific types of applications are applications which:

- the Department considered calling in under section 29 of the 2011 Planning Act
- relate to the development of the council’s own land by the council

24. If a pre-determination hearing is carried out then the application must be determined by the full council and not by the planning committee.

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| <p>25. Section 29 (call in of applications etc., to the Department) of the 2011 Planning Act empowers the Department for Infrastructure (DFI) to call in applications for its determination. If DFI has been notified of a specific application by the council it may call in the application or allow the council to determine the application. If DFI allows the council to determine the application then the council must hold a pre-determination hearing before determining the application which must then be determined by the full council and not by the council's planning committee.</p> <p>26. Section 79 (land belonging to councils and development by councils) of the 2011 Planning Act sets out the procedure for councils dealing with their own applications for planning permission. If the council proposes to grant planning permission it must notify DFI which may decide to call in the application for it to determine. If DFI decides not to call in such an application, then the council must hold a pre-determination hearing before determining the application which must then be determined by the full council and not by the council's planning committee.</p> | <p>Amendment</p> <p>27. Section 79(4) of the 2011 Planning Act refers to section 47A (delegation of functions to officers) of the 1972 Act, however, this provision was repealed by the 2014 Act. Paragraph 8 of Schedule 9 (minor and consequential amendments: general) to the 2014 Act therefore sought to amend section 79(4) to ensure that the full council must determine the planning application by applying section 7 (arrangements for discharge of functions of council) of the 2014 Act. However, paragraph 8 incorrectly referred to section 6 of the 2014 Act, therefore the reference to section 6 of the 2014 Act must be amended to section 7 of the 2014 Act.</p> <p>28. Section 7 of the 2014 Act also needs to be amended by adding a new provision that, where a council holds a pre-determination hearing, then the planning application must be determined by the full council. The amendment to section 7 will also ensure that where:</p> <ul style="list-style-type: none">a) the council holds a voluntary pre-determination hearingb) where the Department for Infrastructure issues a direction to consider calling in a planning application (under section 29 of the 2011 Planning Act) from a council |
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but subsequently decides that the council should determine the application itself, subject to a pre-determination hearing; then those planning applications must be determined by the full council.

29. Paragraph 8 of Schedule 6 to the 2011 Planning Act is also being omitted as the amendment which it makes to section 79(4) of the 1972 Act has now been superseded.

Amendment of the Local Government Act (Northern Ireland) 2014

30. Regulations 7(3) to 7(9) of the draft Regulations will provide for the amendment of the 2014 Act.

Regulation 7(3)

31. Section 14(2) of the 2014 Act provides that the Department for Communities, on the application of the councils which appoint a joint committee, may by order make provision for certain purposes.
32. As councils carry out functions on behalf of a number of Departments, councils may wish to establish a joint committee in respect of functions that fall outside the responsibility of the Department for Communities, in which case it would be appropriate that the responsible Department should make such an order.

33. Regulation 7(3) of the draft Regulations will amend section 14(2) of the 2014 Act to enable any Department to make an order in respect of a joint committee.

Regulation 7(6)

34. Section 122 of, and Schedule 8 to, the 2014 Act provide that a department may make a scheme for the transfer of staff from one local government body to another.
35. Section 123 of the 2014 Act provides for compensation to be paid in respect of “loss” suffered by a person as a consequence of the application of the 2014 Act. “Loss” is defined as “loss of employment or loss or diminution of emoluments” (i.e. a reduction in salary as a result of a staff transfer). The provision also confers upon the Department an enabling power to make regulations in respect of the loss or diminution of emoluments.
36. Section 123(3) provides that compensation in respect of such loss can only be paid in accordance with regulations made under Article 19 of the Superannuation (Northern Ireland) Order 1972. It further provides that no local government body can pay any such compensation under any other statutory provision, by virtue of any provision in a contract or otherwise.

37. Regulation 7(6) of the draft Regulations will amend the definition of “loss” in section 123(2) of the 2014 Act to remove the power to make regulations in respect of “loss or diminution of emoluments”, as this is no longer necessary. The effect of this amendment would be to permit compensation for a reduction in a staff member’s salary to be paid under any applicable transfer scheme developed under section 122 of the 2014 Act, removing the requirement for the payment to be made in accordance with the Superannuation (Northern Ireland) Order 1972.

Regulation 7(9)

38. Schedule 7 to the 2014 Act provides for minor and consequential amendment to the Local Government (NI) Order 2005 (the 2005 Order) to give effect to structural changes within the Local Government Audit Office.

39. Previously there had been a chief local government auditor assisted by a number of local government auditors. The structure of the Local Government Audit Office was changed so that a member of staff of the Northern Ireland Audit Office (NIAO) is designated as the local government auditor (no longer referred to as the chief local government auditor)

with arrangements put in place for members of staff in the NIAO to assist in the performance of the local government auditor’s functions.

40. Regulation 7(9) of the draft Regulations proposes an amendment to Schedule 7 to the 2014 Act with the effect of amending Articles 19 and 20 of the 2005 Order to reflect this structural change.

Regulations 7(4), 7(5), 7(7), 7(8) and 7(10)

41. Regulations 7(4), 7(5), 7(7), 7(8) and 7(10) propose technical amendments to the 2014 Act.

42. During the 2014 Act’s passage through the Assembly a number of sections were added, amended or removed which would have required cross-references throughout the legislation to be changed. In a few cases, the cross-references were not amended.

43. Regulations 7(4), 7(5), 7(7), 7(8) and 7(10) will correct the cross- references in the following sections of the 2014 Act:

- (a) section 46(2)(d);
- (b) section 59(14);
- (c) section 126;
- (d) section 127(4)(n) and
- (e) paragraph 8 of Schedule 9.

**Amendment of the Local Government
(Transitional, Incidental, Consequential and
Supplemental Provisions) Regulations
(Northern Ireland) 2015**

Regulation 8

44. Regulation 8 of the draft Regulations will provide for the amendment of the Local Government (Transitional, Incidental, Consequential and Supplemental Provisions) Regulations (Northern Ireland) 2015 (the 2015 Regulations).
45. Regulation 3 of the 2015 Regulations provides for the modification of charters. Regulation 3(5) of the 2015 Regulations provides that the corporation established or regulated by a charter to which regulation 3(3) of the 2015 Regulations applies shall continue to bear the name it bore immediately before 1 October 2016 or, where a resolution passed under this paragraph provides for a change of its name, shall on and after that date bear the name specified in the resolution.
46. Regulation 8 of the draft Regulations will amend the reference to ‘under this paragraph’ in regulation 3(5) of the 2015 Regulations to ‘under this regulation’.

**Amendment of Certain Harbour Orders,
Harbour Area Orders, and Other Related Orders
Regulations 9-23**

47. Regulations 9 to 23 provide for the amendment of the orders listed below. In each case, the order refers to an old council and is being amended to refer to the name of the respective new council or district. These amendments are being provided for at the request of the Department for Infrastructure.
- The Carnlough Harbour Order (Northern Ireland) 1973
 - the Portrush Harbour Order (Northern Ireland) 1978
 - the Killough Harbour Order (Northern Ireland) 1981
 - the Ballintoy Harbour Order (Northern Ireland) 1985
 - the Londonderry Harbour Order (Northern Ireland) 2002
 - the Portballintrae (Harbour Area) Order (Northern Ireland) 1985
 - the Bangor (Harbour Area) Order (Northern Ireland) 2003
 - the Groomsport (Harbour Area) Order (Northern Ireland) 2003

- the Ballycastle (Harbour Area) Order (Northern Ireland) 2003
 - the Rathlin (Harbour Area) Order (Northern Ireland) 2003
 - the Warrenpoint Harbour Authority Order (Northern Ireland) 2002
 - the Donaghadee Harbour (Transfer of Harbour Undertaking) Order (Northern Ireland) 2015
 - the River Bann Navigation Order (Northern Ireland) 2002
 - the City of Derry Airport (Control Over Land) Order (Northern Ireland) 2011
 - the Belfast International Airport (Control Over Land) Order (Northern Ireland) 2012
- Government (Employment of Group Environmental Health Staff) Order (Northern Ireland) 1994 make provision for one predecessor council to act as the employing authority for building control and environmental health staff which were to be shared amongst a group of predecessor councils.
49. As the predecessor councils no longer exist, regulation 24 of the draft Regulations will provide for the revocation of both Orders.
50. The Local Government (Statutory Transition Committees) Regulations (Northern Ireland) 2013 provided for the establishment of statutory transition committees (STCs) for each new council.
51. The role of an STC was to manage the transition from the predecessor councils to the new council in order to ensure that when established, the new council would be in a position to take responsibility for the effective discharge of its functions.

Revocation of the Local Government (Employment of Group Building Control Staff) Order (Northern Ireland) 1994, the Local Government (Employment of Group Environmental Health Staff) Order (Northern Ireland) 1994 and the Local Government (Statutory Transition Committees) Regulations (Northern Ireland) 2013

Regulation 24

48. The Local Government (Employment of Group Building Control Staff) Order (Northern Ireland) 1994 and the Local

52. As STCs have not existed since the new councils were established, the Local Government (Statutory Transition Committees) Regulations (Northern Ireland) 2013 are being revoked.

Human rights

53. The Department believes that the proposals are compatible with the Human Rights Act 1998.

Equality

54. Under the terms of section 75 of the Northern Ireland Act 1998, the Department carried out screening for equality impact and is satisfied that the proposed legislation will not lead to discriminatory or negative differential impact on any of the section 75 groups. A copy of the screening form can be viewed on the Department's website.

Regulatory impact assessment

55. The Department has not conducted a regulatory impact assessment as the proposed legislation does not give rise to any associated costs or savings on business, charities, social economy enterprises or the voluntary sector.

Rural proofing

56. The Department considers that the proposed measures will have no differential impact in rural areas or on rural communities.

Freedom of Information Act 2000 – confidentiality of consultations

57. The Department may publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read **Annex A** on the confidentiality of consultations. It gives guidance on the legal position about any information given by you in response to this consultation.

Alternative format

58. This document is available in alternative formats. Please contact us to discuss your requirements.

Consultation responses

59. Comments on any aspect of this consultation document should be sent by 30 June 2018 to the address below or by e-mail to: **LGPDConsultations@communities-ni.gov.uk**.
60. If you have any queries in relation to the proposals, you should contact: **andy.pearson@communities-ni.gov.uk**
Tel: 028 9082 3356
61. This consultation document is being circulated to persons and bodies listed in **Annex B** and is also available to view at: **www.communities-ni.gov.uk/consultations/draft-local-government-consequential-amendments-regulations-northern-ireland-2018**
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The Freedom of Information Act 2000 – confidentiality of consultations

1. The Department may publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.
2. The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or be treated as confidential.
3. This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:
 - the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided
 - the Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature
 - acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.
4. For further information about confidentiality of responses please contact the Information Commissioner's Office (or see website at: **www.informationcommissioner.gov.uk**).

Annex B

List of Consultees

All Members of the Northern Ireland Legislative Assembly
All Northern Ireland political parties, MPs and MEPs
All Northern Ireland District Councils
All groups and bodies in the Department's Section 75 Consultee List
Association for Public Service Excellence
Association of Local Government Finance Officers
Local Government Auditor
Local Government Staff Commission for NI
National Association of Councillors
Northern Ireland Local Government Association
Northern Ireland Local Government Officer's Superannuation Committee
Commissioner for Public Appointments for Northern Ireland
Londonderry Port & Harbour Commissioners
Belfast International Airport Ltd
City of Derry Airport
Coleraine Harbour Commissioners
Warrenpoint Harbour Authority

Draft Regulations laid before the Assembly under section 124(5) of the Local Government Act (Northern Ireland) 2014, for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2018 No. ***

LOCAL GOVERNMENT

**The Local Government (Consequential Amendments) Regulations
(Northern Ireland) 2018**

Laid before the Assembly in draft

Made - - - - - ***

Coming into operation - - - - - ***

The Department for Communities⁽¹⁾ makes the following Regulations, in exercise of the powers conferred by section 124 of the Local Government Act (Northern Ireland) 2014⁽²⁾ and now vested in it⁽³⁾.

Citation and Commencement

1. These Regulations may be cited as the Local Government (Consequential Amendments) Regulations (Northern Ireland) 2018 and shall come into operation on ***.

Amendment of the Drainage (Northern Ireland) Order 1973

2.—(1) In Schedule 1 to the Drainage (Northern Ireland) Order 1973⁽⁴⁾ (constitution and proceedings of the Drainage Council)—

- (a) in paragraph 1 for “eighteen” substitute “nineteen”; and
- (b) in paragraph 1(a) for “ten” substitute “eleven” and after “represent” insert “each of the”.

Amendment of the Local Government (Northern Ireland) Order 2005

3.—(1) The Local Government (Northern Ireland) Order 2005⁽⁵⁾ is amended as follows.

⁽¹⁾ Formerly known as the Department for Social Development; see the Departments Act (Northern Ireland) 2016 c.5 (N.I.). Article 8 of and Schedule 5 to the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016 No. 76) transferred functions to the Department for Communities which were previously exercisable by the Department of the Environment.

⁽²⁾ 2014 c. 8 (N.I.)

⁽³⁾ S.R. 2016 No. 76

⁽⁴⁾ S.I. 1973 No. 69 (N.I. 1)

⁽⁵⁾ S.I. 2005 No. 1968 (N.I. 18)

(2) In Article 2(3) (interpretation) for “principal Act” substitute “Local Government Act (Northern Ireland) 2014 (c. 8)”.

(3) In Article 3(3) (audit of accounts of councils, etc) for “section 19(9)(c) of the principal Act” substitute “section 14(2)(c) of the Local Government Act (Northern Ireland) 2014”.

(4) For Article 11(5) (transmission and consideration of Article 9 reports) substitute—

“(5) The report shall not be excluded under the power in section 43(2) of the Local Government Act (Northern Ireland) 2014 from the matter supplied under that section to a newspaper, further to a request under section 43(7) of that Act.”.

Amendment of the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010

4. In section 22(1) of the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010⁽⁶⁾ (exercise of waste management functions of councils)—

- (a) for “section 19 of the Local Government Act (Northern Ireland) 1972 (c. 9)” substitute “section 11 of the Local Government Act (Northern Ireland) 2014 (c. 8)”; and
- (b) for “subsection (9) of that section” substitute “section 14(2) of that Act”.

Amendment of the Local Government Finance Act (Northern Ireland) 2011

5. In section 31(7) of the Local Government Finance Act (Northern Ireland) 2011⁽⁷⁾ for “Local Government Act (Northern Ireland) 1972 (c. 9)” substitute “Local Government Act (Northern Ireland) 2014 (c. 8)”.

Amendment of the Planning Act (Northern Ireland) 2011

6. In Schedule 6 to the Planning Act (Northern Ireland) 2011⁽⁸⁾ (minor and consequential amendment), omit paragraph 8.

Amendment of the Local Government Act (Northern Ireland) 2014

7.—(1) The Local Government Act (Northern Ireland) 2014 is amended as follows.

(2) In section 7 (arrangements for discharge of functions of council)—

- (a) at the end of subsection (3)(c), omit “and”,
- (b) at the end of subsection (3)(d), for “,” substitute “; and”; and
- (c) after subsection (3)(d), add—

“(e) determining planning permission for a development of a class mentioned in section 30(1) of the Planning Act (Northern Ireland) 2011,”.

(3) In section 14(2) (joint committees: further provisions), for “The Department” substitute “A government department”.

(4) In section 46(2)(d) (application to committees and sub-committees) for “sections 43(3) and 44(6)” substitute “sections 44(3) and 45(6)”.

(5) In section 59(14)(b) (decisions following report), for “section 58” substitute “section 55”.

(6) In section 123(2) (compensation for loss of office or diminution of emoluments)—

- (a) in the heading omit “or diminution of emoluments”; and
- (b) in the definition of “loss”, omit “or loss or diminution of emoluments”.

(7) In section 126(1) (interpretation), in the definition of “external representative” for “section 10(4)” substitute “section 6(4)”.

⁽⁶⁾ 2010 c. 7 (N.I.)

⁽⁷⁾ 2011 c. 10 (N.I.)

⁽⁸⁾ 2011 c. 25 (N.I.)

- (8) In section 127(4) (regulations and orders)—
- (a) at the end of subsection (l) insert “and”;
 - (b) at the end of subsection (m) for “,” substitute “.”; and
 - (c) omit subsection (n).
- (9) After paragraph 15 of Schedule 7 (minor and consequential amendments relating to local government audit) insert—

“15A.—(1) Amend Article 19 (declaration that item of account is unlawful) as follows.

- (2) In paragraph (1) for “a local” substitute “the local”.
- (3) In paragraph (4)—
 - (a) for “an auditor” substitute “the local government auditor”;
 - (b) in sub-paragraph (a) before “auditor” insert “ local government ”; and
 - (c) for “the auditor” substitute “the local government auditor”.
- (4) In paragraph (5)(a) before “auditor” insert “local government”.

15B.—(1) Amend Article 20 (recovery of amount not accounted for, etc.) as follows.

- (2) In paragraph (1) for “a local” substitute “the local”.
 - (3) In paragraph (2) before “auditor” in both places where it occurs insert “local government”.
 - (4) In paragraph (3)—
 - (a) in sub-paragraph (a) for “an auditor” substitute “the local government auditor”;
 - (b) in sub-paragraph (b) for “an auditor” substitute “the local government auditor”; and
 - (c) for “the auditor” substitute “the local government auditor”.
 - (5) In paragraph (4)—
 - (a) in sub-paragraph (a) before “auditor” insert “local government”; and
 - (b) in sub-paragraph (b) before “auditor” insert “local government”.
 - (6) In paragraph 7(a) for “a local” substitute “the local”.
 - (7) In paragraph (8)(a) before “auditor” insert “local government”.
- (10) In paragraph 8 of Schedule 9 (minor and consequential amendments: general), for “6” substitute “7”.

Amendment of the Local Government (Transitional, Incidental, Consequential and Supplemental Provisions) Regulations (Northern Ireland) 2015

8. In regulation 3(5) (charters) of the Local Government (Transitional, Incidental, Consequential and Supplemental Provisions) Regulations (Northern Ireland) 2015⁽⁹⁾, for “under this paragraph” substitute “under this regulation”.

Amendment of the Carnlough Harbour Order (Northern Ireland) 1973

9. In Article 2 of the Carnlough Harbour Order (Northern Ireland) 1973⁽¹⁰⁾, for “County Council of the County of Antrim” substitute “Mid and East Antrim Borough Council”.

Amendment of the Portrush Harbour Order (Northern Ireland) 1978

10. In Article 2 of the Portrush Harbour Order (Northern Ireland) 1978⁽¹¹⁾, for “Coleraine Borough Council” substitute “Causeway Coast and Glens Borough Council”.

⁽⁹⁾ S.R. 2015 No. 125

⁽¹⁰⁾ S.R. 1973 No. 181

⁽¹¹⁾ S.R. 1978 No. 51

Amendment of Killough Harbour Order (Northern Ireland) 1981

11. In Article 3(1) of the Killough Harbour Order (Northern Ireland) 1981⁽¹²⁾, for “Down District Council” substitute “Newry, Mourne and Down District Council”.

Amendment of the Ballintoy Harbour Order (Northern Ireland) 1985

12. In Article 3(1) of the Ballintoy Harbour Order (Northern Ireland) 1985⁽¹³⁾, for “Moyle District Council” substitute “Causeway Coast and Glens Borough Council”.

Amendment of the Londonderry Harbour Order (Northern Ireland) 2002

13. In Schedule 1 to the Londonderry Harbour Order (Northern Ireland) 2002⁽¹⁴⁾, for “Derry City Council” substitute “Derry City and Strabane District Council”.

Amendment of the Portballintrae (Harbour Area) Order (Northern Ireland) 1985

14. In Article 2(1) of the Portballintrae (Harbour Area) Order (Northern Ireland) 1985⁽¹⁵⁾, for “Coleraine Borough Council” substitute “Causeway Coast and Glens Borough Council”.

Amendment of the Bangor (Harbour Area) Order (Northern Ireland) 2003

15. In Article 2(1) of the Bangor (Harbour Area) Order (Northern Ireland) 2003⁽¹⁶⁾, for “North Down Borough Council” substitute “Ards and North Down Borough Council”.

Amendment of the Groomsport (Harbour Area) Order (Northern Ireland) 2003

16. In Article 2(1) of the Groomsport (Harbour Area) Order (Northern Ireland) 2003⁽¹⁷⁾, for “North Down Borough Council” substitute “Ards and North Down Borough Council”.

Amendment of the Ballycastle (Harbour Area) Order (Northern Ireland) 2003

17. In Article 2(1) of the Ballycastle (Harbour Area) Order (Northern Ireland) 2003⁽¹⁸⁾, for “Moyle District Council” substitute “Causeway Coast and Glens Borough Council”.

Amendment of Rathlin (Harbour Area) Order (Northern Ireland) 2003

18. In Article 2(1) of the Rathlin (Harbour Area) Order (Northern Ireland) 2003⁽¹⁹⁾, for “Moyle District Council” substitute “Causeway Coast and Glens Borough Council”.

Amendment of the Warrenpoint Harbour Authority Order (Northern Ireland) 2002

19. In Schedule 1 to the Warrenpoint Harbour Authority Order (Northern Ireland) 2002⁽²⁰⁾, for “Newry and Mourne District Council” substitute “Newry, Mourne and Down District Council”.

⁽¹²⁾ S.R. 1981 No. 384
⁽¹³⁾ S.R. 1985 No. 36
⁽¹⁴⁾ S.R. 2002 No. 41
⁽¹⁵⁾ S.R. 1985 No. 222
⁽¹⁶⁾ S.R. 2003 No. 249
⁽¹⁷⁾ S.R. 2003 No. 250
⁽¹⁸⁾ S.R. 2003 No. 251
⁽¹⁹⁾ S.R. 2003 No. 252
⁽²⁰⁾ S.R. 2002 No. 42

Amendment of the Donaghadee Harbour (Transfer of Harbour Undertaking) Order (Northern Ireland) 2015

20. In Article 2 of the Donaghadee Harbour (Transfer of Harbour Undertaking) Order (Northern Ireland) 2015⁽²¹⁾, for “North Down and Ards District Council” substitute “Ards and North Down Borough Council”.

Amendment of the River Bann Navigation Order (Northern Ireland) 2002

21. The River Bann Navigation Order (Northern Ireland) 2002⁽²²⁾, is amended as follows—

- (a) in Article 10(2)(a), for “Coleraine Borough Council” substitute “Causeway Coast and Glens Borough Council”; and
- (b) in Schedule 1, for “Coleraine Borough Council” substitute “Causeway Coast and Glens Borough Council”.

Amendment of the City of Derry Airport (Control Over Land) Order (Northern Ireland) 2011

22. In Article 3(2) of the City of Derry Airport (Control Over Land) Order (Northern Ireland) 2011⁽²³⁾, for “district of Derry City Council and Limavady Borough Council” substitute “districts of Derry City and Strabane and Causeway Coast and Glens”.

Amendment of the Belfast International Airport (Control Over Land) Order (Northern Ireland) 2012

23. In Article 3(2) of the Belfast International Airport (Control Over Land) Order (Northern Ireland) 2012⁽²⁴⁾, for “Antrim Borough Council, Lisburn City Council, Belfast City Council and Newtownabbey Borough Council” substitute “Antrim and Newtownabbey, Belfast and Lisburn and Castlereagh”.

Revocations

24. The following orders are revoked—

- (a) the Local Government (Employment of Group Building Control Staff) Order (Northern Ireland) 1994⁽²⁵⁾;
- (b) the Local Government (Employment of Group Environmental Health Staff) Order (Northern Ireland) 1994⁽²⁶⁾; and
- (c) the Local Government (Statutory Transition Committees) Regulations (Northern Ireland) 2013⁽²⁷⁾.

⁽²¹⁾ S.R. 2015 No. 22
⁽²²⁾ S.R. 2002 No. 395
⁽²³⁾ S.R. 2011 No. 69
⁽²⁴⁾ S.R. 2012 No. 94
⁽²⁵⁾ S.R. 1994 No. 497
⁽²⁶⁾ S.R. 1994 No. 498
⁽²⁷⁾ S.R. 2013 No. 179

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 124 of the Local Government Act (Northern Ireland) 2014 provides that the Department may make incidental, consequential, transitional or supplemental provision in connection with the Local Government Act (Northern Ireland) 2014, the Local Government (Boundaries) Act (Northern Ireland) 2008 or the Planning Act (Northern Ireland) 2011.

These Regulations amend:-

- (a) the Drainage (Northern Ireland) Order 1973;
- (b) the Local Government (Northern Ireland) Order 2005;
- (c) the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010;
- (d) the Local Government Finance Act (Northern Ireland) 2011;
- (e) the Planning Act (Northern Ireland) 2011;
- (f) the Local Government Act (Northern Ireland) 2014;
- (g) the Local Government (Transitional, Incidental, Consequential and Supplemental Provisions) Regulations (Northern Ireland) 2015;
- (h) certain harbour orders;
- (i) certain harbour area orders;
- (j) the Warrenpoint Harbour Authority Order (Northern Ireland) 2002;
- (k) the Donaghadee Harbour (Transfer of Harbour Undertaking) Order (Northern Ireland) 2015;
- (l) the River Bann Navigation Order (Northern Ireland) 2002; and
- (m) certain airport (control over land) orders.

These Regulations revoke:-

- (a) the Local Government (Employment of Group Building Control Staff) Order (Northern Ireland) 1994;
- (b) the Local Government (Employment of Group Environmental Health Staff) Order (Northern Ireland) 1994; and
- (c) the Local Government (Statutory Transition Committees) Regulations (Northern Ireland) 2013.

