



2014 CHAPTER 8

PART 9

CONDUCT OF COUNCILLORS

Miscellaneous

Extension of 1996 Order

63.—(1) The following provisions of the 1996 Order have effect as if references to that Order included references to this Part—

Article 6 (staff and expenses);

Article 12(3) (investigations to be conducted in private);

Article 13 (evidence);

Article 14 (obstruction and contempt) except paragraph (3);

Article 19 (reports to the Assembly);

Article 20 (privilege for certain publications);

Article 21 (disclosure of information by the Commissioner); and

Article 21A (disclosure of information to the Information Commissioner).

(2) Article 12(5) of the 1996 Order (power to obtain information and make inquiries) applies in relation to an investigation under section 55 as it applies in relation to an investigation under that Order.

(3) Article 21 of the 1996 Order (disclosure of information obtained by the Commissioner) applies as if references to Article 16 or 17 of that Order were omitted.

Expenditure of Commissioner under this Act

64.—(1) Before the commencement of each financial year the Commissioner must prepare an estimate of the amount of the expenses of the Commissioner under this Act.

(2) The Department must apportion the amount estimated in accordance with subsection (1) between all the councils in Northern Ireland in such manner as the Department, after consultation in accordance with subsection (3), considers appropriate.

(3) The Department must consult—

(a) councils; and

(b) such associations or bodies representative of councils as appear to the Department to be appropriate,

about the manner in which the amount mentioned in subsection (2) is to be apportioned.

(4) The Department may deduct from any grant payable under section 27A of the Local Government Finance Act (Northern Ireland) 2011 to a council for a financial year the amount apportioned to it under subsection (2).

Interpretation

65.—(1) In this Part—

“the 1996 Order” means the Commissioner for Complaints (Northern Ireland) Order 1996;

“code of conduct” means the code of conduct under section 53;

“the Commissioner” has the same meaning as in the 1996 Order;

“councillor” includes a person treated as a non-voting member by section 17 or falling within section 28(4).

(2) Any reference in this Part to a councillor being partially suspended from being a councillor includes a reference to a person being prevented from exercising particular functions or having particular responsibilities as a councillor.

(3) Where a councillor is suspended otherwise than partially the councillor is also suspended from being a member of any committee, joint committee, or sub-committee of the council.

(4) A councillor who is disqualified under this Part from being a councillor is also disqualified from being a member of any committee, joint committee, or sub-committee of the council.

(5) Where a councillor who is suspended otherwise than partially or is disqualified under this Part is also a member of any other public body (whether as an external representative of the council or otherwise), the councillor is also

suspended or disqualified from being a member of that body and any committee or sub-committee of that body.

(6) Any reference in this Part to a councillor being partially suspended from being a councillor includes a reference to the councillor being partially suspended from being a member of any other public body of which the councillor is a member (whether as an external representative of the council or otherwise) and the reference in subsection (2) to particular functions or particular responsibilities as a councillor includes particular functions or particular responsibilities as a member of that body.