



2014 CHAPTER 8

PART 10

COMMUNITY PLANNING

Miscellaneous

Establishment of bodies corporate

76.—(1) The Department may—

- (a) on the application of a council and at least one of its community planning partners; and
- (b) after considering a report on the matters specified in subsection (2) made to the Department by the council and at least one of the council's community planning partners,

by order establish a body corporate having the constitution and functions specified in the order.

(2) The matters referred to in subsection (1)(b) are—

- (a) what consultations were conducted on the question whether to apply for an order;
- (b) the views on that question of the council and the council's community planning partners;
- (c) the views of other persons consulted on that question;
- (d) what functions should be specified in the order; and
- (e) such other matters as may be prescribed.

(3) An order made under subsection (1) may include provisions about—

- (a) the membership of the body established under it;
- (b) the proceedings of the body;
- (c) the transfer of property, rights and liabilities to and from the body;
- (d) the appointment and employment by the body of staff;
- (e) the supply by councils and other persons of services for the body;
- (f) the audit of the accounts of the body;
- (g) the dissolution of the body; and
- (h) such other matters as the Department thinks fit.

(4) A function may be specified under subsection (1) and accordingly fall to be discharged by the body in relation to which it is specified notwithstanding that under any statutory provision the function falls to be discharged also by another body or person.

(5) Subsection (4) has effect notwithstanding—

- (a) the absence of any statutory provision or rule of law providing for the discharge of that function otherwise than by the other body or person having that function; or
- (b) any statutory provision or rule of law preventing the discharge of that function in that way.

(6) In subsection (5) “statutory provision” does not include this section.

(7) Section 19 of the Interpretation Act (Northern Ireland) 1954 applies to a body established under subsection (1).