
STATUTORY INSTRUMENTS

1992 No. 810

The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992

PART III

PUBLIC SUPPLY OR WORKS CONTRACTS

Transitional duty of councils as regards existing lists

23.—(1) Subject to paragraph (3), a council which, at the coming into operation of this Article, maintains an approved list shall—

- (a) consider whether persons have been included in or excluded from the list by reference to non-commercial matters, and
- (b) if it appears to the council that that is the case, compile the list afresh in accordance with paragraphs (4) to (6).

(2) Persons shall be treated by a council as having been excluded from a list by reference to non-commercial matters if, in relation to the list, the council has—

- (a) notified potential contractors of its intention to have regard to non-commercial matters, or
- (b) issued statements of policy framed by reference to non-commercial matters.

(3) Inclusion or exclusion by a council from its list by reference to a non-commercial matter does not give rise to the duty to compile the list afresh under paragraph (1) if that matter relates only to the question as to whether or not any person is unqualified for the purpose of section 41 of the Fair Employment (Northern Ireland) Act 1989^{F1} and the council's action was reasonably necessary to secure compliance with that section.

(4) The duty of a council to compile afresh an approved list shall be discharged as follows—

- (a) the council shall publish notice of its intention to compile the list afresh and (by the notice) invite persons to apply, within a specified period, to be included in the list; and
- (b) at the end of that period the council shall proceed to compile the list afresh from among the applicants in accordance with the duty imposed by Article 19.

(5) Publication by a council of the notice required by paragraph (4) shall be effected by causing the notice to be published—

- (a) in at least 2 newspapers circulating in the district of the council; and
- (b) in at least one newspaper or journal circulating among such persons as undertake contracts of the description to which the list relates.

(6) The period specified in the notice under paragraph (4) as the period within which applications are to be made shall not be shorter than the period of 28 days from the date of publication of the notice.

(7) The duty imposed by this Article shall be discharged by a council as soon as is reasonably practicable after this Article comes into operation and in any event within the expiration of 3 months from the day on which this Article comes into operation.

(8) This Article does not create a criminal offence but sub-paragraph (a) of Article 21(6) applies for the purposes of the duty imposed by this Article as it applies for the purposes of the duty imposed by Article 19(1).

F1 1989 c. 32

Changes to legislation:

There are currently no known outstanding effects for the The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992, Section 23.