
STATUTORY INSTRUMENTS

1992 No. 810

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

PART V

**AMENDMENT AND REPEAL OF PROVISIONS
RELATING TO DISTRICT COUNCILS**

Miscellaneous amendments of the principal Act

Appointmen tand management of officers

- 35.**—(1) In section 40 of the principal Act (the Staff Commission)—
- (a) in subsection (3)(b) for “twelve” there shall be substituted “fourteen”;
 - (b) after subsection (4)(b) there shall be inserted—
 - “(bb) monitoring the fair employment practices of councils and their compliance with statutory requirements in relation to fair employment;”;
 - (c) after subsection (4)(c) there shall be inserted—
 - “(cc) establishing and issuing a code of recommended practice as regards the conduct of officers of councils;”.
- (2) In section 41 of the principal Act (appointment and qualification of officers)—
- (a) after subsection (3) there shall be inserted—
 - “(3A) Without prejudice to any code of procedure established by the Staff Commission, a council shall not appoint any officer unless the vacancy in the office is advertised in such manner as may be prescribed.”;
 - (b) in subsection (8)—
 - (i) after paragraph (a) there shall be inserted—
 - “(aa) may make provision with respect to the co-ordination of the provision of the service provided by the officers of that class so employed within the districts of the council by which the officers are employed and the other council or councils”;
 - (ii) at the end of paragraph (b) for “and” there shall be substituted—
 - “(bb) may provide that the other council or councils shall not appoint officers of that class; and”;
 - (iii) the words from “and where such an order” onwards shall be omitted;
 - (c) after subsection (8) there shall be inserted—
 - “(8A) If the Department is satisfied that it is expedient that officers of any class should not be employed by one of the councils on behalf of both or all of them, the Department may make an order—

- (a) transferring officers of that class from the council by which they are employed to such other council or councils as is specified in or determined under the order;
 - (b) making provision for the protection of the interests of every officer so transferred;
 - (c) providing for the expenses incurred in connection with the transfer of the employment of the officers to be defrayed by the councils in such proportion as they may agree upon or, in case of disagreement, as may be determined by the Department; and
 - (d) making such incidental and supplemental provision as the Department thinks fit.
- (8B) In subsection (8)(aa) “co-ordination” includes—
- (a) advising the council by which the officers are employed and the other council or councils on the establishment of the service provided by the officers of that class, including the number of officers to be employed and the qualifications of such officers;
 - (b) making provision for training of such officers;
 - (c) issuing advisory circulars and guidelines with respect to statutory provisions or standards of inspection or advising on such circulars and guidelines issued by the Department or district councils;
 - (d) recording and reporting statistical data and on the enforcement of statutory provisions;
 - (e) reporting annually to the Department and to the council by which the officers are employed and the other council or councils;
 - (f) for the purpose of reaching agreement as mentioned in subsection (8)(b), making recommendations with respect to the apportionment of the expenses of the council by which the officers are employed in connection with the service provided by officers of that class; and
 - (g) such other functions or activities as the Department may provide in the order under subsection (8).”.