

**2010 No. 252**

**EUROPEAN COMMUNITIES**

**LOCAL GOVERNMENT**

**The Local Government (Provision of Services) Regulations  
(Northern Ireland) 2010**

*Made* - - - - *4th August 2010*

*Coming into operation* - *13th September 2010*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a).

The Department of the Environment is designated(b) for the purposes of section 2(2) of the European Communities Act 1972 in relation to services in the internal market.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Local Government (Provision of Services) Regulations (Northern Ireland) 2010 and shall come into operation on 13th September 2010.

(2) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

**Amendments to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985**

2.—(1) Schedule 2 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985(d) is amended as specified in paragraphs (2) to (5).

(2) In paragraph 5, for the definition of “the appropriate sub-divisional commander”, substitute—

““the appropriate district commander” in relation to an application or a licence under this Schedule means—

- (a) where the application or licence relates to premises, the district commander of the Police Service of Northern Ireland acting for the police district in which the premises are situated;

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(a) 1972 c.68  
(b) S.I. 2009/221  
(c) 1954 c.33 (N.I.)  
(d) S.I.1985/1208 (N.I. 15)

- (b) where the application or licence relates to a vehicle, vessel or stall, the district commander of the Police Service of Northern Ireland acting for the police district in which the applicant or holder has his permanent address or (in the case of a body corporate or unincorporated body) its registered or principal office;”.

(3) In paragraph 10—

- (a) for sub-paragraph (14) substitute—

“(14) The council shall, as soon as an application for the grant, renewal or transfer of a licence under this Schedule is made to it, whether by means of a relevant electronic facility or in any other case, send a copy of the application to the appropriate district commander.

(14A) In sub-paragraph (14) “relevant electronic facility” means—

- (a) the electronic assistance facility referred to in regulation 38 of the Provision of Services Regulations 2009(a), or
  - (b) any facility established and maintained by the council for the purpose of receiving applications under this Schedule electronically.”;
- (b) in sub-paragraph (18), for “sub-divisional commander”, substitute “district commander”; and
- (c) for sub-paragraph (20) substitute—

“(20) Where the council refuses to grant, renew or transfer a licence, it shall give the applicant or the holder of the licence a statement in writing of the reasons for its decision.”.

(4) In paragraph 12(1)(c) and (d), for “the United Kingdom”, substitute “an EEA state”.

(5) In paragraph 27(1) and (2), for “sub-divisional commander”, substitute “district commander”.

(6) For the purposes of regulation 19(5) of the Provision of Services Regulations 2009, the arrangements made by paragraph 10 of Schedule 2 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 fall within the “different arrangements” referred to in regulation 19(5).

Sealed with the Official Seal of the Department of the Environment on 4<sup>th</sup> August 2010.



*Ian Maye*

A senior officer of the Department of the Environment

## EXPLANATORY NOTE

*(This note is not part of the Order)*

These Regulations implement in part Articles 9 and 13 of Chapter 3 (freedom of establishment for providers) of Directive 2006/123/EC of the European Parliament and Council on services in the internal market (OJ No. L 376, 27.12.2006 p.36) (“the Directive”). The regulations amend Schedule 2 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 (“the Order”) as follows.

The Directive establishes general provisions facilitating the exercise of freedom of movement of services, while maintaining a high quality of services.

These Regulations amend Schedule 2 to the Order as follows.

Regulation 2(2) replaces the definition of “appropriate sub-divisional commander” in paragraph 5 with a new definition for “appropriate district commander”. The references to “appropriate sub-divisional commander” in paragraphs 10(18) and 27(1) and (2) are also replaced with “appropriate district commander”.

Regulation 2(3)(a) amends paragraph 10(14) to make provision for a council, when it receives an application, whether by means of a relevant electronic facility or otherwise, to send a copy of the application to the appropriate district commander of the Police Service of Northern Ireland.

Regulation 2(3)(c) amends paragraph 10(20) to require a district council to provide reasons for refusing to grant, transfer or renew a licence, whether or not requested by the applicant.

Regulation 2(4) amends paragraphs 12(1)(c) and (d) by replacing the references to “the United Kingdom” with references to “an EEA state” in relation to the conditions for refusing an application for the grant, renewal or transfer of a licence made under Schedule 2 to the Order.

Regulation 2(6) defines the arrangements made by paragraph 10 of Schedule 2 to the Order as different arrangements as defined in regulation 19(5) of the Provision of Services Regulations 2009.

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