
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 271

Local Government Best Value (Exclusion of Non-commercial Considerations) Order (Northern Ireland) 2012

Matters not to be non-commercial matters

2. The matters specified in Article 19(4)(a) (district council contracts: exclusion of non-commercial considerations) and the conduct of contractors or workers in industrial disputes between them as specified in Article 19(4)(d) of the 1992 Order shall cease to be non-commercial matters for the purposes of Article 19 of that Order⁽¹⁾—

- (a) to the extent that a district council considers it necessary or expedient, in order to permit or facilitate compliance with the requirements of the 2002 Act, to exercise the functions regulated by that Act in relation to its public supply or works contracts with reference to those matters; or
- (b) for the purposes of any functions regulated by that Article in relation to a public supply or works contract which involves a transfer of staff to which the provisions of the Transfer of Undertakings (Protection of Employment) Regulations 2006⁽²⁾ or the Service Provision Change (Protection of Employment) Regulations (Northern Ireland) 2006⁽³⁾ may apply.

(1) Section 19 was amended by paragraph 6 of Schedule 2 to the Race Relations (Northern Ireland) Order 1997 ([SI 1997/869 \(N.I. 6\)](#)).

(2) [SI 2006/246](#)

(3) [S.R. 2006 No. 177](#)