

**2011 No. 228**

**LOCAL GOVERNMENT**

**The Local Government (Contracts) Regulations (Northern  
Ireland) 2011**

*Made* - - - - *15th June 2011*

*Coming into operation* - *1st August 2011*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by sections 3(2)(e) and (f) and 3(3) of the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2011(a).

**Citation and commencement**

1. These Regulations may be cited as the Local Government (Contracts) Regulations (Northern Ireland) 2011 and shall come into operation on 1st August 2011.

**Interpretation**

2. In these Regulations –

“the 1972 Act” means the Local Government Act (Northern Ireland) 1972(b);

“the 2010 Act” means the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010;

“certificate” means a certificate issued by a district council in satisfying the certification requirements in relation to a contract;

“chief financial officer” has the meaning assigned to it by section 148(1) of the 1972 Act and, in the case of a joint committee, means the officer who has responsibility for supervising the joint committee’s arrangements for the receipt of money paid to it and the issue of money payable by it or, if no such officer has been appointed, the chief officer of the joint committee;

“district council” shall include a joint committee–

- (a) which has been established under section 19(1) of the 1972 Act,
- (b) which has been constituted as a body corporate by an order made under section 19(9) of that Act, and
- (c) to which Part 1 (Contracts of councils) of the 2010 Act has been applied by such an order; and

“the local government auditor” means the auditor assigned by the Department under Article 3(1)(b) of the Local Government (Northern Ireland) Order 2005(c) to audit the accounts of the council.

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(a) 2010 c.7 (N.I.)  
(b) 1972 c.9 (N.I.)  
(c) S.I. 2005/1968 (N.I. 18)

### **Copies of certificates**

3. A district council shall ensure that a copy of every certificate issued by it is given to –
- (a) the local government auditor; and
  - (b) each of the persons with whom the district council has entered, or is to enter, into the contract in relation to which the certificate is issued.

### **Matters to be dealt with in a manner prescribed by regulations**

- 4.—(1) Where in relation to a contract, a district council—
- (a) states in a certificate that it had or has power to enter into the contract; and
  - (b) specifies that the statutory provision, or one of the statutory provisions, conferring the power is section 99 of the 1972 Act,

the district council shall specify in the certificate each statutory provision conferring a relevant function, or, where there are two or more relevant functions, the statutory provisions conferring the main relevant functions.

(2) For the purposes of this regulation, in relation to a contract, a function is a relevant function if the contract is reasonably necessary for or incidental to the discharge of the function.

### **Signature of certificates**

5. A district council shall ensure that a certificate issued by it is signed by the chief financial officer of the district council, or a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to the chief financial officer.

Sealed with the Official Seal of the Department of the Environment on 15th June 2011.



*Wesley Shannon*  
A senior officer of the Department of the Environment

## EXPLANATORY NOTE

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

These Regulations make provision in connection with certain certification requirements a contract, which is to be a certified contract for the purposes of the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010, must satisfy.

Regulation 3 prescribes the persons to whom a district council is required to give a copy of a certificate. Every district council must give a copy of any certificate issued by it to the local government auditor and each person with whom the contract has been, or is to be, executed.

Regulation 4 prescribes how a district council is required to deal with certain matters in a certificate where it is stated in the certificate that the statutory provision, or one of the statutory provisions, conferring the power to enter into the contract for which the certificate is issued is section 99 of the Local Government Act (Northern Ireland) 1972.

Regulation 5 makes provision about the signature of a certificate issued with respect to a certified contract. A certificate issued by a district council must be signed by its chief financial officer or a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to the chief financial officer.

These Regulations also apply to a joint committee—

- (a) which has been established under section 19(1) of the Local Government Act (Northern Ireland) 1972;
- (b) which has been constituted as a body corporate by an order made under section 19(9) of that Act; and
- (c) to which Part 1 of the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010 has been applied by such an order.

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