

Report to:	Strategic Policy and Resources (Transition) Committee
Subject:	Local Government (Disqualifications) (Amendment) Bill
Date:	15 April 2010
Reporting Officer:	Ciaran Quigley, Director of Legal Services
Contact Officer:	Kevin Heaney, RPA Project Coordinator (ext. 6202)

1.0	<u>Relevant Background Information</u>
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1.1	The Council has recently received correspondence, dated 19 th March 2010, from the Committee for the Environment seeking views on a draft Local Government (Disqualifications) (Amendment) Bill.
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1.2	Originating as a Private Member's Bill, the draft Local Government (Disqualifications) (Amendment) Bill has made it into the Committee Stage and, therefore, going through the legislative making process within the NI Assembly.
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1.3	The sole purpose of the Bill is to amend the Local Government Act (Northern Ireland) 1972, to make provisions to disqualify elected Members of the Northern Ireland Assembly (i.e. MLAs) from holding office as councillors.
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2.0	<u>Key Issues</u>
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2.1	Section 4 (1) of the Local Government Act (Northern Ireland) 1972 currently prescribes a range of circumstances when a person is disqualified from being elected as a councillor. The Bill will extend the 1972 Act to preclude MLAs from being, or being elected, as a councillor.
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2.2	It had always been understood that the ability to address the issue of dual mandates (also know as 'double-jobbing') would be progressed as part of pending RPA legislation i.e. Local Government (Reorganisation) Bill.
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2.3	It would appear that the Committee for the Environment is now in the process of pre-empting the Reorganisation Bill by introducing the Local Government (Disqualifications) (Amendment) Bill. It given Royal Assent, it would be the intention that the Bill would be brought into operation on the day of the next district council election, which is expected to take place in May 2011.
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2.4	The Bill addresses a political issue and in excess of 140 individuals and organisations, including political parties, have been consulted. Comments received were strongly in favour of the proposal. It is recommended that the Committee agrees not to offer any objection to the introduction of the Bill.
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3.0	Resource Implications
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3.1	There are no financial or Human Resource implications contained within this report.
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4.0	Recommendations
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To agree that no objection be offered to the introduction of the Local Government (Disqualification) (Amendment) Bill.	
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5.0	Appendices
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Appendix 1:	Correspondence received from the Committee for the Environment
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Appendix 2:	Draft Bill and Explanatory Memorandum
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