

**Orders which reflect particular local circumstances in Northern Ireland**

**Street Works (Northern Ireland) Order 1995**

The purpose of this Order was to provide for improved management of the work of utilities on the public highway.

The Codes of Practice for the implementation of the terms of the Order, none of which has as yet been introduced, will reflect the different administrative arrangements which exist in Northern Ireland, in particular the existence of a single Northern Ireland Roads Authority.

**Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995**

The purpose of this Order was to build on the Historic Monuments Acts (NI) of 1926, 1937 and 1971 and to introduce further provisions reflected in GB's Ancient Monuments and Archaeological Areas Act 1979.

There are certain different administrative arrangements in Northern Ireland. The Order confers on DOE (NI) (through its Environment and Heritage Service) responsibilities collectively shared in England by the Department of Culture, Media and Sport, English Heritage, the Royal Commission on Historic Monuments and Local Authority Archaeologists (all paralleled in Scotland and Wales).

**Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995**

The main purpose of this Order was to facilitate the provision of street names and numbers in a language other than English.

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This is a provision peculiar to Northern Ireland. However, the Order also contains some financial provisions which brought Northern Ireland practice into line with equivalent practice in GB.

### **The Arts Council (Northern Ireland) Order 1995**

The purpose of the Order was to establish in Northern Ireland institutions in accordance with Northern Ireland needs and arrangements.

It took account of the equivalent Arts Council in Great Britain but it was not a replication of the GB provisions.

### **Armagh Observatory and Planetarium (Northern Ireland) Order 1995**

The purpose of this Order was to provide for the constitution and functions of the Governors of the Armagh Observatory and Planetarium. It covered a Northern Ireland institution in accordance with local needs and arrangements. There is no equivalent body or national policy which could have been replicated.

### **Ports (Amendment) (Northern Ireland) Order 1995**

The purpose of this Order was to amend the Ports (NI) Order 1994 to allow the Department of Environment or the Department of Agriculture, if they choose, to reconsider the amount of levy assessed under Article 3 of that Order.

The power to make amendments to the original Order was a local provision inserted to allow departure from the corresponding GB Act where Northern Ireland circumstances made variations necessary or desirable.

## IN CONFIDENCE

### **Licensing (Northern Ireland) Order 1996**

This Order was broadly similar to equivalent legislation in Great Britain.

There were, however, key differences in Northern Ireland with regard, for example, to categories of premises which may be licensed, licensing hours and the duration of licenses. The Order also reflected the different administrative structures in Northern Ireland. The mechanics of licensing is handled in Northern Ireland by the courts and in Great Britain by licensing justices.

### **Registration of Clubs (Northern Ireland) Order 1996**

This Order was broadly similar to equivalent legislation in Great Britain.

There were, however, key differences in Northern Ireland with regard, for example, to the types of clubs which may be registered, the duration of certificates of registration, arrangements for the accounts and systems of control to be set up and maintained. The Order also reflected the different administrative structures in Northern Ireland - the mechanics of granting and renewing certificates of registration is handled in Northern Ireland by the courts and in Great Britain by licensing justices.

### **The Education (Northern Ireland) Order 1996**

This Order contained 4 main provisions covering special educational needs (SEN), corporate punishment, school inspections and key stages and compulsory contributory subjects in KS Four.

The SEN provisions replicate quite closely the provisions in the England and Wales legislation. However, the decision to follow England and Wales was a free choice. The provisions on corporate punishment brought Northern Ireland legislation in grant-aided schools into line with the provisions of Article 28 of the UN Convention on the Rights of the Child. As part of the United Kingdom it was necessary for Northern Ireland to introduce this

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provision but it could have gone further and abolished corporate punishment in independent schools as well. It was Government's view however that that was a matter for the proprietors of such schools. The provisions on schools inspections fulfilled a commitment to the Citizens Charter. The provisions on KS Four reflected the thrust of national arrangements but had many differences of detail to reflect local circumstances.

### **Business Tendencies (Northern Ireland) Order 1996**

This Order gave effect to distinctive Northern Ireland policies in the area of business tendencies.

The policy in this Order differs from that in GB because there already existed a different legislative framework in Northern Ireland and the consultation undertaken in Northern Ireland supported a different approach in a number of key areas.

### **The Gas (Northern Ireland) Order 1996**

The purpose of this Order was to provide for the supply of gas through pipes.

There are a number of key differences between it and the Great Britain Gas Acts, partly related to the need to establish an entirely new gas industry from scratch in as soon a time as possible and partly related to Northern Ireland's relatively small geographical size.

There are also differences concerning the duty placed on the General Consumer Council, rights of entry, exclusive licenses and the transfer and disposal of the assets of former town gas undertakings.

### **Fair Employment (Amendment) (Northern Ireland) Order 1996**

The purpose of this Order was to remove the existing limit on the amount of compensation which the Fair Employment Tribunal could order a respondent to pay in a case of religious or political discrimination.

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Fair Employment legislation relating to religion is unique to Northern Ireland.

### **Waste Management and Contaminated Land (Northern Ireland) Order 1997**

This Order introduced a new system of waste management controls and powers to deal with contaminated land, in line with EC Directives.

Under the Order local councils in Northern Ireland, like those in Scotland, may undertake waste management responsibilities themselves or may make arrangements with the private sector to do so on their behalf. In England and Wales, however, local authorities must employ the private sector directly or create stand alone waste disposal companies. The reason for the difference in Northern Ireland is that the number and relatively small size of local councils here could not support the creation of a large number of separate companies to carry out waste disposal and collection activities.

Responsibility for dealing with contaminated land follows arrangements in GB by conferring powers on both local councils and the Department of the Environment. However, it is possible for local councils to be given an enforcement role different from local authorities in GB because of differences in the scale and nature of problems associated with contaminated land in Northern Ireland.

### **Road Traffic Regulations (Northern Ireland) Order 1997**

The purpose of this Order was to regulate the movement of vehicles on roads and the parking of vehicles and reflected the current Road Traffic Regulations law in GB.

Most of the differences which exist between the Northern Ireland and GB versions of the law are attributable to different administrative arrangements, to differences in the nature or extent of traffic problems faced and to the extent to which powers taken in GB appeared likely to be effective in Northern Ireland.

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**Property (Northern Ireland) Order 1997**

This Order gave effect to distinctive NI policy in the area of ground rents and the creation of freehold covenants. Northern Ireland has a totally different property law system and legislative framework to Great Britain.

**Appropriation Orders (2 to 3 per year)**

These are technical orders rather than policy measures which are required to obtain Parliamentary (or Assembly) approval to voted expenditure.

**Rates (Amendment) (Northern Ireland) Orders (one a year)**

These Orders make amendments preparatory to or consequential on the non-domestic revaluation.

Since Northern Ireland has retained a rating system rather than introduce council tax/uniform business rates, the extent of rating legislation reflects distinctive Northern Ireland arrangements. There is, however, a UK constraint on policy relating to local government finance in Northern Ireland. HM Treasury has a direct interest in ensuring that Northern Ireland raises an appropriate amount through local taxation, since failure to do so would impose costs on the GB taxpayer.