



2011 CHAPTER 10

PART 4

MISCELLANEOUS POWERS TO MAKE PAYMENTS

Payments for special purposes

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37. Subject to sections 38 and 40, a council may make payments for any purpose which in its opinion are in the interests of, and will bring direct benefit to—

- (a) the council;
- (b) its district or any part of its district;
- (c) the inhabitants of its district or any part of its district.

Restrictions on power to make payments under section 37

38.—(1) A council shall not make any payment under section 37 unless the direct benefit accruing to its district or any part of its district or to the inhabitants of its district or any part of its district will be commensurate with the payments to be made.

(2) A council shall not make any payment under section 37 for a purpose for which the council is, either unconditionally or subject to any limitation or to the satisfaction of any condition, authorised or required under any other statutory provision to make any payment.

- (3) In any case where—

- (a) by virtue of subsection (2) a council is prohibited from making any payment for a particular purpose; and
- (b) the power or duty of the council to make any payment for that purpose is in any respect limited or conditional (whether by being restricted to a particular group of persons or in any other way),

the prohibition in that subsection shall extend to all payments to which that power or duty would apply if it were not subject to any limitation or condition.

(4) A council may make a payment under section 37 on publicity only by way of assistance to a public body or a voluntary body where the publicity is incidental to the main purpose for which the assistance is given.

(5) In subsection (4) “publicity” means any communication, in whatever form, addressed to the public at large or to a section of the public.

(6) Subsection (1) does not apply to a payment under paragraph (a) of section 37.

Public appeals

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39. Subject to section 40, a council may make payments to any fund which is raised in connection with a particular event directly affecting persons resident in the United Kingdom on behalf of whom a public appeal for contributions has been made—

- (a) by the chairperson of a council; or
- (b) by a committee of which the chairperson of a council is a member; or
- (c) by such a person or body as is referred to in section 137(3)(c) of the Local Government Act 1972 (c. 70); or
- (d) by such a person or body as is referred to in section 83(3)(c) of the Local Government (Scotland) Act 1973 (c. 65).

Limit on expenditure under sections 37 and 39

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40.—(1) The total payments made under sections 37 and 39 (taken together) by a council in any one financial year shall not exceed the aggregate of—

- (a) the product of a rate of 0.0596p in the pound on the rateable value of all hereditaments in a NAV list in the district; and
- (b) the product of a rate of 0.00082p in the pound on the rateable capital value of all hereditaments in a capital value list in the district.

(2) The Department may by order substitute a different amount for any amount specified in subsection (1).

(3) An order shall not be made under subsection (2) unless a draft of the order has been laid before, and approved by resolution of, the Assembly.

(4) For the purposes of this section—

“capital value” means capital value for the purposes of the [Rates \(Northern Ireland\) Order 1977 \(NI 28\)](#) and shall be construed in accordance with Article 39 of that Order;

“NAV list” has the meaning given by Article 40(1)(a) of the Rates (Northern Ireland) Order 1977.

Subscriptions

Subscriptions to certain local government associations and other bodies

41.—(1) A council may pay reasonable subscriptions, whether annually or otherwise, to the funds of—

- (a) associations of councils or officers or members of councils formed for the purpose of consultation upon and discussion of matters relating to the common interests of councils or matters relating to local government;
- (b) voluntary bodies established for scientific, technical or professional purposes the objects of which are ancillary to any of the functions of the council.

(2) Subject to subsection (3), a council may pay reasonable subscriptions, whether annually or otherwise, to the funds of professional bodies in respect of the individual membership of officers of the council.

(3) A council shall pay subscriptions under subsection (2) in respect of an officer’s membership of only one professional body at any one time.

(4) In this section “professional body” means—

- (a) a professional association, membership of which is wholly or mainly restricted to individuals who have or are seeking a qualification appropriate to the practice of the profession concerned; or
- (b) an association the primary purpose of which is the advancement of a particular branch of knowledge, or the fostering of professional expertise, connected with the past or present professions or employments of its members.