
STATUTORY INSTRUMENTS

1996 No. 1632 (N.I. 11)

The Deregulation and Contracting Out (Northern Ireland) Order 1996

- - - - - 26th June 1996

PART I INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Deregulation and Contracting Out (Northern Ireland) Order 1996.

(2) Article 17 comes into operation on the expiration of seven days from the day on which this Order is made.

(3) The remaining provisions of this Order come into operation on the expiration of two months from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 applies to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“Department” means a Northern Ireland department or the Head of such a department;

“employee”, in relation to a body corporate, includes any director or other officer of that body;

“enactment”, in relation to a Department, Northern Ireland office-holder or district council, includes an enactment contained in any statutory provision (whenever passed or made);

“enactment”, in relation to a Minister or reserved office-holder, includes an enactment contained in any statutory provision (whenever passed or made), other than—

(a) an Act of the Parliament of the United Kingdom; or

(b) an instrument made under such an Act (except a Northern Ireland Order in Council);

“function”, in relation to a district council, includes any power to do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of a function;

“instrument” has the meaning assigned by section 1(c) of the Interpretation Act (Northern Ireland) 1954;

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“joint committee” [^{F1}has the same meaning as in the Local Government Act (Northern Ireland) 2014];

“Minister” has the same meaning as Minister of the Crown has in the Ministers of the Crown Act 1975;

“Northern Ireland office-holder” does not include a Department or an officer of the Assembly, but, subject to that, means—

- (a) the holder of an office created or continued in existence by a public general Act of the Parliament of Northern Ireland or the Parliament of Ireland or public general Measure of the Assembly or by a Northern Ireland Order in Council;
- (b) the holder of an office the remuneration in respect of which is paid out of money appropriated by Measure;
- (c) the registrar of companies; and
- (d) the official receiver;

“Northern Ireland Order in Council” means an Order in Council under section 1(3) of the Northern Ireland (Temporary Provisions) Act 1972 or Schedule 1 to the Northern Ireland Act 1974;

“office-holder” means a Northern Ireland office-holder or a reserved office-holder;

“officer”

- (a) in relation to a Department, means any person in the Northern Ireland civil service or the civil service of the Crown who is serving in the Department;
- (b) in relation to a Minister, means any person in the PART I civil service of the Crown or the Northern Ireland civil service who is serving in his department;
- (c) in relation to an office-holder, means any member of his staff, or any person in the Northern Ireland civil service or the civil service of the Crown who has been assigned or appointed to assist him in the exercise of his functions;

[^{F2}[^{F3} “registrar of companies” means registrar of companies for Northern Ireland;]

“reserved office-holder” does not include a Minister or an officer of the Assembly, but, subject to that, means—

- (a) the holder of an office created or continued in existence by a public general Act of the Parliament of the United Kingdom; and
- (b) the holder of an office the remuneration in respect of which is paid out of money provided by Parliament;

“statutory provision” has the meaning assigned by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

(3) This Order has effect as if—

- (a) any reference in Part III to a district council included references to a joint committee and to an officer of such a council; and
- (b) any reference in Part III to that Part included a reference to an order made under Article 17.]

F1 Words in art. 2(2) substituted (2.6.2014) by [Local Government Act \(Northern Ireland\) 2014 \(c. 8\)](#), s. 129, [Sch. 9 para. 5](#) (with s. 124(4)); S.R. 2014/153, art. 2, Sch. 1

F2 Art. 2(2): definition of "registrar of companies" inserted (1.10.2009) by [Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 2(1), [Sch. 1 para. 166\(2\)](#) (with art. 10)

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- F3** Art. 2(2): definition of "registrar of companies" ceases to have effect (1.10.2009) by virtue of [Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), **art. 7(2)(a)** (with art. 10)

PART II

DEREGULATION

Miscellaneous deregulatory provisions

Horticultural produce: repeal of licensing provisions, etc.

- [^{F4}**3.**—(1) The Horticulture Act (Northern Ireland) 1966 is amended as follows.
- (2) The following provisions are omitted—
- (a) sections 11 and 12 (licences required for processing horticultural produce);
 - (b) section 13 (regulations as to standards of quality, etc. of horticultural produce processed in Northern Ireland);
 - (c) section 14 (related offences);
 - (d) Part III (restrictions on sending certain horticultural produce out of Northern Ireland);
 - (e) sections 28 to 30 (ancillary provisions and exemptions);
 - (f) section 35(2)(b) and (c) (part of definition of “horticultural produce”);
 - (g) section 37 (repeals);
 - (h) the Schedule (provisions about licences).
- (3) In section 33(3), for “Food and Drugs Act (Northern Ireland) 1958” substitute “Food Safety (Northern Ireland) Order 1991”.
- (4) In section 35(2), for “24 to 30” substitute “24 to 27”.
- (5) In section 36—
- (a) in paragraph (a), for “Destructive Insects and Pests Acts (Northern Ireland) 1877 to 1934” substitute “Plant Health Act (Northern Ireland) 1967”.
 - (b) in paragraph (b), for “Food and Drugs Act (Northern Ireland) 1958” substitute “Food Safety (Northern Ireland) Order 1991”.]

- F4** [Sch. 2 Pt. 1](#) ceased to have effect (1.10.2009) by virtue of [Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), **art. 7(2)(c)** (with art. 10)

Repeal of Arts. 20(S), 22(10) of Weights and Measures (Northern Ireland) Order 1981

4. Articles 20(5) and 22(10) of the Weights and Measures (Northern Ireland) Order 1981 (under which the gas in foam on beer or cider is to be disregarded for certain purposes) are omitted.

Repeal of Auctions (Local Control) Act (Northern Ireland) 1957

5. The Auctions (Local Control) Act (Northern Ireland) 1957 is repealed.

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Sunday Observance Act (Ireland) 1695: exclusion of sports, etc.

6.—(1) The Sunday Observance Act (Ireland) 1695 does not apply to any person by reason of his taking part in, or doing anything in connection-with, any sport or recreation, or any similar activity.

(2) In section 3 of that Act (hurling, football and other sports prohibited on Sunday), omit from the beginning to “conviction shall be: and that”.

Totalisators on licensed trucks: deductions, etc.

7. In Schedule 8 to the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, in paragraph 3 (totalisator operators must post a notice on licensed tracks which must specify the percentage, not exceeding 17 per cent. or that specified by the Department of Health and Social Services by order, deducted by them from amounts staked using totalisators)—

- (a) after “licensed track” insert “or, where bets may be made by means of the totalisator in more than one distinct area of the track, in each such area”;
- (b) after “a notice” insert “in easily legible print”;
- (c) after “specify” insert “prominently”; and
- (d) from “not exceeding 17 per cent.” to “by order” is omitted.

Taxi drivers — tests of competence, etc.

8. In Article 79A(3)(b)(ii) of the Road Traffic (Northern Ireland) Order 1981 (taxi driver's licence not to be granted unless the applicant passes such test of driving competence to drive a vehicle of the type for which the licence is required and meets such other requirements as may be prescribed), from “passes” to “required and” is omitted.

Enforcement procedures and appeals

Powers to improve enforcement procedures

9.—(1) If, with respect to any provision made by an enactment, a Department or Minister is of the opinion—

- (a) that the effect of the provision is such as to impose, or authorise or require the imposition of, a restriction, requirement or condition affecting any person in the carrying on of any trade, business or profession or otherwise, and
- (b) that, by exercising any one or more of the powers conferred by Schedule 1, it would be possible, without jeopardising my necessary protection, to improve (so far as fairness, transparency and consistency are concerned) the procedures for enforcing the restriction, requirement or condition,

the Department or Minister may, subject to paragraphs (2) to (8), by order exercise the power or powers accordingly.

(2) No order may be made under this Article in any case where the sole or main effect which the restriction, requirement or condition may be expected to have on each person on whom it is imposed is an effect on him in his personal capacity, and not as a person carrying on a trade, business or profession.

(3) Where the relevant enactment—

- (a) contains a power for the Department or Minister to make regulations or orders; and
- (b) provides for that power to be exercisable so as to give effect, with or without modifications, to proposals submitted by some other person,

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the Department or Minister must consult with that person before making an order under this Article.

(4) An order under this Article may do all or any of the following—

- (a) make provision as to the consequences of any failure to comply with a provision made by the order;
- (b) contain provisions (including provisions modifying enactments relating to the periods within which proceedings must be brought) which are consequential upon, or supplemental or incidental to, the provisions made by the order;
- (c) contain such transitional provisions and savings as appear to the Department or Minister to be appropriate;
- (d) make different provision for different areas.

(5) An order made by a Department under this Article is subject to negative resolution.

(6) An order made by a Minister under this Article is subject to annulment in pursuance of a resolution of either House of Parliament and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.

(7) Nothing in any order made under this Article—

- (a) precludes an enforcement officer from taking immediate enforcement action against any person, or from requiring any person to take immediate remedial action, in any case where it appears to the officer to be necessary to take such action or impose such a requirement; or
- (b) requires such an officer to disclose any information the disclosure of which would be contrary to the public interest.

(8) In this Article and Schedule 1—

“enforcement action”

- (a) in relation to any restriction, requirement or condition, means any action taken with a view to or in connection with imposing any sanction (whether criminal or otherwise) for failure to observe or comply with it; and
- (b) in relation to a restriction, requirement or condition relating to the grant or renewal of licences, includes any refusal to grant, renew or vary a licence, the imposition of any condition on the grant or renewal of a licence and any variation or revocation of a licence;

“enforcement officer” does not include the Director of Public Prosecutions for Northern Ireland, but, subject to that, means any person who is authorised, whether by or under the relevant enactment or otherwise, to take enforcement action;

“licence” includes any authorisation (by whatever name called) to do anything which would otherwise be unlawful;

“the relevant enactment” means the enactment containing the provision by which the restriction, requirement or condition is imposed or, as the case may be, is authorised or required to be imposed;

“remedial action” means action taken by any person in order to avoid enforcement action being taken against him.

Model provisions with respect to appeals

10.—(1) The Department of Economic Development must by order prescribe model provisions with respect to appeals against enforcement action with a view to their being incorporated, if thought fit, and with or without modifications, in enactments to which paragraph (2) applies.

(2) This paragraph applies to enactments which include provision the effect of which is to impose, or authorise or require the imposition of, a restriction, requirement or condition affecting any person in the carrying on of any trade, business or profession or otherwise.