



To: Council Chief Executives

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Our ref:
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Dear Chief Executive

Council Remote/Hybrid Meetings

Section 78 (local authority meetings) of the Coronavirus Act 2020 (“CVA”) contained provision to provide councils with the flexibility to hold meetings by remote or hybrid means during the Coronavirus emergency. This included an enabling power for the Department to make subordinate legislation regarding remote/hybrid meetings and the Local Government (Coronavirus) (Flexibility of District Council Meetings) Regulations (Northern Ireland) 2020 were subsequently made and came into operation on 1 May 2020.

The expiry date of section 78 of the Coronavirus Act 2020 has been extended a number of times, with the current extension Order - the Coronavirus Act 2020 (Extension of Provisions Relating to Local Authority Meetings) (No. 3) Order (Northern Ireland) 2023 - extending the provisions to 24 March 2024, thus allowing councils to continue to hold remote/hybrid meetings under the Local Government (Coronavirus) (Flexibility of District Council Meetings) Regulations (NI) 2020.

The section 78 extension orders were made under the Assembly’s confirmatory procedure which means that, whilst an Order comes into operation once made, it will cease to have effect 40 days from the date of making unless it has been approved by resolution of the Assembly (the 40 day period does not include any time in which the Assembly is dissolved, in recess for more than 4 days or adjourned for more than 6 days). The 40-day approval period for the current extension Order is due to expire on 6 March 2024.

The CVA was intended as emergency legislation. The Communities Minister, Minister Lyons, having considered whether it is appropriate for the current extension order to be put before the Assembly for approval and whether another extension order should be made to extend the provisions of section 78 of the CVA for a further 6 months, has concluded that there is no justification for the continued extension of provisions of the CVA.

The current extension Order (S.R. 2023 No. 140) will cease to have effect by virtue of section 96(7) of the Coronavirus Act after 6 March 2024 (although that does not affect anything previously done under or by virtue of the order). This will mean that the



provisions which enable councils to hold remote/hybrid meetings will fall and legislation will revert back to the position before the Local Government (Coronavirus) (Flexibility of District Council Meetings) Regulations (NI) 2020 were made.

Councils should therefore make arrangements to ensure they are positioned to hold meetings in person after 6 March 2024.

The Local Government (Meetings and Performance) Act (Northern Ireland) 2021 provides a power for the Department to make regulations for the purpose of or in connection with ensuring district councils meetings may be held remotely. The Minister has asked that the Department proceed on regulations under the 2021 Act instead.

The Department will continue to update councils regularly on this matter.

Yours sincerely

Anthony Carleton
Director
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